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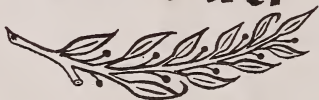
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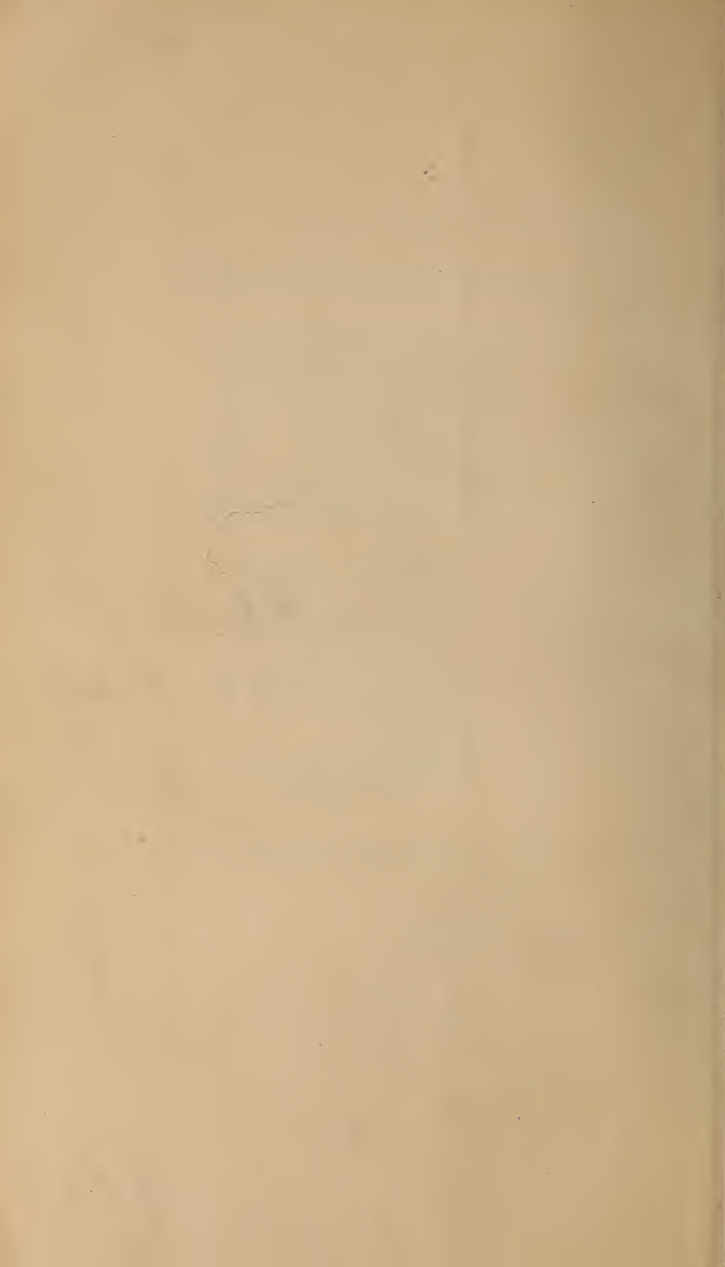


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T H E
L A W S
O F T H E
COMMONWEALTH

O F
M A S S A C H U S E T T S,

Passed from the Year 1780, to the End of the
Year 1800,

W I T H T H E
C O N S T I T U T I O N S O F T H E U N I T E D S T A T E S O F A M E R I C A, A N D
O F T H E C O M M O N W E A L T H, P R E F I X E D.

T O W H I C H I S A D D E D,

A N A P P E N D I X,

C O N T A I N I N G

A C T S A N D C L A U S E S O F A C T S, F R O M T H E L A W S O F T H E L A T E
C O L O N Y, P R O V I N C E A N D S T A T E O F M A S S A C H U S E T T S,
W H I C H E I T H E R A R E U N R E V I S E D O R R E S P E C T

T H E T I T L E O F R E A L E S T A T E.

I N T W O V O L U M E S.

V O L. II.

Published by Order of the General Court.

B O S T O N :
P R I N T E D B Y M A N N I N G & L O R I N G.

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Miss M. A. Alden

Sept 27, 1871

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A C T S A N D L A W S
O F
MASSACHUSETTS.

AN ACT to incorporate the Plantation of *Wales*, in the County of *Lincoln*, into a Town by the Name of *Monmouth*.

[This Act passed *January 20, 1792.*]

An ACT to regulate the taking of Fish called Alewives, in the Town of *Middleborough*, in the County of *Plymouth*, and for repealing a certain Law made for that Purpose in the Year of our LORD One thousand seven hundred and forty-nine.

[This Act passed *January 28, 1792.*]

An ACT to incorporate the westerly Part of the Town of *Vassalborough*, in the County of *Lincoln*, with the Inhabitants thereof, into a Town by the Name of *Sidney*.

[This Act passed *January 30, 1792.*]

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *Merrimack-River*, at *Patucket-Falls*, between the Towns of *Chelmsford* and *Dracut*, in the County of *Middlesex*, and for supporting the same.

[This Act passed *February 1, 1792.*]

An ACT in Addition to the several Laws now in force, providing for the Collection of Taxes.

Preamble.

WHEREAS provision is made by law, when any Constable or Collector of taxes in any town, district, plantation, precinct or parish, shall die before the completing of the collection of the taxes committed to him, that the Assessors appoint a Collector to perfect such collection; but no provision is made when any Constable or Collector shall become *non-compos-mentis*, or be disabled by bodily infirmities from perfecting his collection; for remedy whereof,

Power and duty of Assessors, in case of infirm Constables or Collectors.

Proviso.

Assessors authorized, in case.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That when any Constable or Collector of any town, district, plantation, precinct or parish, who is already, or may hereafter become *non-compos-mentis*, and who hath, or may have a guardian duly appointed, or who hath already been, or may hereafter, by bodily infirmities, be rendered incapable of discharging the duties of his office, in the judgment of the Assessors, before such insane or infirm Constable or Collector hath perfected his collection, the Assessors shall thereupon procure and appoint, in writing, under their hands, some suitable person a Collector, to perfect such collection, and grant him a warrant for that purpose; and the person so appointed shall have the same power and authority as were granted to such insane or infirm Constable or Collector: *Provided nevertheless,* That no person shall be appointed to complete the collection of such infirm Collector, unless he shall request the same: *And provided further,* That when it shall appear to the Assessors, that such insane or infirm Constable or Collector shall have paid to the Treasurer or Treasurers, to whom he was accountable, a larger sum or sums of money than the amount of the monies that he has collected from the persons borne on his list of assessment, the Assessors, in their warrant to the Collector by them appointed, shall direct him to pay such sum as shall appear to them to be overpaid, as aforesaid, to the guardian of such insane Constable or Collector, or to such infirm Constable or Collector, as the case may be. And in the cases aforesaid, and in case of the decease of any Constable or Collector of taxes before his perfecting his collections, the Assessors, for the time being, shall have power to demand and receive the list or lists of assessments, of and from such infirm Constable or Collector, or from the guardian of such Constable or Collector as shall be *non-compos-mentis*, or from the executors or administrators of any deceased Constable or Collector, or of and from any person in whose hands the same may be, and to deliver the same to the Collector newly appointed.

And whereas provision is also made by law, that when any distress shall be taken by any Constable or Collector, for non-payment

payment of taxes, it shall be kept four days before notice of sale shall be given, and that the forty-eight hours notice of sale shall not be given until after the expiration of the said four days, which prolongation of the time of sale often increases expense, and appears to be unnecessary :

SECT. 2. *Be it therefore enacted by the authority aforesaid,* That it shall and may be lawful for any Constable or Collector to give the forty-eight hours notice of the sale of any distress by him taken, for the non-payment of taxes, within the said four days ; and after such notice, to sell such distress, after the expiration of the said four days, any law to the contrary notwithstanding.

Constables or Collectors to give notice of sale.

SECT. 3. *And be it further enacted by the authority aforesaid,* That any officer who may have occasion to distrain any personal property of any deficient Constable or Collector, by force of any warrant of distress, or execution issued by the Treasurer of the Commonwealth, or by the Treasurer of any county, town, district, plantation, parish or precinct ; shall proceed in the sale of said personal property, in the same manner such officer by law is obliged to proceed, in serving executions upon judgments obtained by creditors against their debtors, where personal estate is taken for satisfying the same.

Method of procedure in case of distraint.

[This Act passed February 3, 1792.]

An ACT granting certain Privileges to the Proprietors of the lower or new Slitting-Mill standing on *Mill-River*, in the Town of *Taunton*, in the County of *Bristol*.

[This Act passed February 6, 1792.]

An ACT to establish and incorporate a religious Society in the Town of *Easton*, in the County of *Bristol*, by the Name of *The Congregational Parish in Easton*.

[This Act passed February 7, 1792.]

An ACT to incorporate the Plantation of *Number Seven* (so called) in the County of *Hampshire*, into a Town by the Name of *Hawley*.

[This Act passed February 7, 1792.]

An ACT for establishing an Academy in the Town of *Fryeburg*, by the Name of *Fryeburg Academy*.

[This Act passed February 9, 1792.]

An ACT to incorporate the Plantation called *Offissee*, in the County of *York*, into a Town by the Name of *Limington*.

[This Act passed February 9, 1792.]

An ACT in Addition to, and for repealing and altering Part of an Act, entitled, “An Act for limiting the Time within which Suits may be prosecuted against Executors and Administrators, and for perpetuating the Evidence of Notice given by them, and by Guardians and others, respecting the Sale of Real Estate.”

Preamble.

WHEREAS in the third enacting clause of the aforesaid Act it is provided, that all claims of creditors to the estate of any person deceased, upon which an Executor or Administrator has already taken the administration, shall be exhibited and demanded of the Executor or Administrator of such estate, within three years from the passing of said Act, or within three years after said claim may accrue, and not afterwards; and that no Executor or Administrator who should, after the passing of the said Act, undertake that trust, should be compelled, or held to answer to the suit of any creditor of his Testator or Intestate, unless the same suit should have been originally commenced within the term of three years next following his giving bond for the faithful discharge of his trust: And whereas from the shortness of said limited term, and from the want of a general knowledge thereof, many inconveniences may accrue to the citizens of this Commonwealth:

Enacting clause repealed.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all and every part of said enacting clause which relates to the time within which claims may be exhibited, and suits prosecuted against Executors and Administrators, be and hereby is repealed.

Creditors to exhibit claims within a limited time.

SECT. 2. *And be it further enacted by the authority aforesaid,* That all claims of creditors to the estate of any person deceased, upon which an Executor or Administrator was appointed before the passing of the aforesaid Act, shall be exhibited and demanded of such Executor or Administrator within four years from the time of passing the Act aforesaid, and not afterwards; and that no Executor or Administrator who has been appointed since the passing the aforesaid Act, or who shall hereafter be appointed, shall be held to answer to any suit that shall be commenced against him in that capacity, unless the same shall be commenced within the term of four years from the time of his accepting that trust: *Provided,* That he give notice of the appointment in the manner prescribed in the Act before recited.

Proviso.

[This Act passed February 14, 1792.]

An ACT in Addition to an Act made and passed the twenty-first Day of *June*, in the Year of our LORD One thousand seven hundred and eighty-seven, entitled, "An Act to divide the Town of *Greenwich* into two Parishes."

[This Act passed *February 22, 1792.*]

An ACT for regulating the Taking the Fish called Alewives, in their Passage up *Indian-Head-River* (so called) between the Towns of *Pembroke* and *Hanover*, in the County of *Plymouth*, into a Pond in said Town of *Pembroke*, known by the Name of *Indian-Head-Pond*.

[This Act passed *February 22, 1792.*]

An ACT for setting off *Samuel Holmes, jun.* from the Town of *Stoughton*, and annexing him to the Town of *Sharon*.

[This Act passed *February 22, 1792.*]

An ACT incorporating the Honourable *John Worthington*, Esquire, and others therein named, for the Purpose of rendering *Connecticut-River* passable for Boats and other Things from the Mouth of *Chickapee-River*, northward throughout this Commonwealth, by the Name of *The Proprietors of the Locks and Canals on Connecticut-River*.

[This Act passed *February 23, 1792.*]

Addit. Acts,
Feb. 25, 1793,
June 21, 1793,
Feb. 27, 1794,
Feb. 26, 1800.

An ACT for dissolving the first and second Parishes in *Malden*, and for confirming certain Articles of Union entered into between the said Parishes.

[This Act passed *February 23, 1792.*]

An ACT for inquiring into the rateable Estates within this Commonwealth.

[This Act passed *February 23, 1792.*]

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *Merrimack-River*, in the County of *Essex*, and for supporting the same.

[This Act passed *February 24, 1792.*]

An ACT for incorporating the north Precinct of the Town of *Braintree*, in the County of *Suffolk*, into a separate Town by the Name of *Quincy*; and for annexing fundry Inhabitants of the Town of *Dorchester*, with their Estates, to the said Town of *Quincy*.

[This Act passed *February* 23, 1792.]

An ACT for changing the Name of *Samuel Turner*, to *Samuel James Longman*.

[This Act passed *February* 25, 1792.]

Addit. Act,
Feb. 19, 1799.

Preamble.

An ACT to prevent Damage by mischievous Dogs.

WHEREAS many persons in this Commonwealth have been greatly exposed by being suddenly assaulted by mischievous dogs; and many have also sustained great damage by such dogs worrying, wounding and killing neat cattle, sheep and lambs, and in various other ways; for prevention of which,

Mischievous
dogs may be
killed.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after passing this Act, it shall and may be lawful, for any person or persons in this Commonwealth, to kill any dog that shall suddenly assault them while they are quietly and peaceably walking or riding any where out of the inclosure of the owner or keeper of such dog; and it shall also be lawful for any person to kill any dog that shall be found out of the inclosure or immediate care of its owner or keeper, worrying, wounding or killing any neat cattle, sheep or lambs.

Owner of un-
ruly dogs, to
confine them.

SECT. 2. *And be it further enacted,* That if any person shall be assaulted by any dog in manner as aforesaid, or if any dog shall hereafter be found strolling out of the inclosure or immediate care of its owner or keeper, by day or by night, and the person so finding such dog shall, at any time within forty-eight hours after such an assault or the finding such dog strolling as aforesaid, make oath thereof before any Justice of the Peace for the county, or Clerk of the town where the owner of such dog shall dwell (who are hereby empowered to administer said oath, and to certify the same) and shall further swear, that he really suspects such dog to be a dangerous or mischievous dog, and shall give notice thereof to such owner or keeper, by delivering him a certificate of such oath, signed by such Justice or Clerk; it shall be the duty of the owner or keeper of such

such dog forthwith to kill or confine the same; and if he shall neglect so to do for the space of twenty-four hours after notice is given as aforesaid, he shall forfeit and pay the sum of *Forty Shillings*, to any person that shall sue for the same, to be recovered with costs, by action of debt, before any Justice of the Peace in the county in which such owner or keeper dwells, reserving liberty of appeal to either party from such Justice's judgment, as in other civil actions.

Penalty,
in case of neg-
lect.

SECT. 3. *And be it further enacted*, That if, after such notice, such dog shall not be killed or confined, but shall again be found strolling out of the inclosure or immediate care of its owner or keeper, it shall and may be lawful for any person to kill such dog; and if sued therefor (or for killing a dog, as in and by the first enacting clause of this Act is provided) to plead the general issue, and give this Act and the special matter in evidence under it.

The general
issue may be
plead in case
of killing dogs.

SECT. 4. *And be it further enacted*, That if any dog, after notice is given as aforesaid, shall by any sudden assault, in manner as aforesaid, wound or cause to be wounded, any person, or shall worry, wound or kill any neat cattle, sheep or lambs, or do any other mischief, the owner or keeper shall be liable to pay to the person injured thereby, treble damage, to be recovered with costs, by action of debt, before a Justice of the Peace in the county where such owner dwells, if such treble damage doth not exceed *Four Pounds*; but if it doth exceed that sum, then before the Court of Common Pleas in such county, reserving liberty of appeal to either party, as in other civil actions.

Owners of
such dogs to
pay damages
for injuries sus-
tained by them.

SECT. 5. *And be it further enacted*, That all laws heretofore made for preventing damage being done by unruly dogs (except such as are enacted to prevent damage being done by dogs in the Island of *Nantucket*) be and they are hereby repealed, except so far as they shall respect any suit already commenced.

Laws repealed.

[This Act passed *February 25, 1792.*]

An ACT for erecting a Town within the County of
Hampshire, by the Name of *Russell*.

[This Act passed *February 25, 1792.*]

An ACT to set off *Joseph Dansforth, Josiah Dansforth, John Cumings* and *Joseph Upton*, from the Town of *Dunstable*, in the County of *Middlesex*, and to annex them to the District of *Tyngsborough*.

[This Act passed *March 3, 1792.*]

An ACT ascertaining the Boundary Line between the Towns of *Medway* and *Sherburne*.

[This Act passed *March 3, 1792.*]

Act, July 7,
1786.

An ACT to prevent Appeals, in certain Cases, from the Judgment of a Court of Common Pleas.

Report of Referees, in certain cases, to be final.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That upon any report of Referees returned into any Court of Common Pleas, in pursuance of an Act for rendering the decision of civil causes as speedy and as little expensive as possible—and also upon any report made by Referees appointed by a rule of any Court of Common Pleas, wherein it is agreed, at the time of entering into such rule, that the report of said Referees shall be final, the judgment of said Court of Common Pleas, upon all such reports, shall be final, and no appeal therefrom shall be allowed by said Court; any law to the contrary notwithstanding.

[This Act passed *March 3, 1792.*]

An ACT to render valid the Votes and Proceedings of certain Town-Meetings which have been assembled by virtue of a Warrant signed by a Town-Clerk, by Order of the Selectmen.

Warrants issued by Town-Clerk to be valid.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all Warrants heretofore signed by a Town-Clerk, by order of the Selectmen of any town, or a major part of them, and all proceedings of the legal voters of such towns which have been had in pursuance of such Warrants, be and hereby are ratified and confirmed, in the same manner as if the said Warrants had been signed by the Selectmen.

[This Act passed *March 6, 1792.*]

An ACT in Addition to an Act passed in the Year of our LORD One thousand seven hundred and eighty-nine, entitled, “An Act determining what Transactions shall be necessary to constitute the Settlement of a Citizen in any particular Town or District.”

[This Act passed *March 6, 1792.* Repealed *Feb. 11, 1794.*]

An ACT to set off *Asabel Smith* and others from
South-Hadley, to *Granby*.

[This Act passed *March 6, 1792.*]

An ACT incorporating certain Persons for erecting
a Bridge over *Connecticut-River*, between *Montague*
and *Greenfield*, in the County of *Hampshire*.

[This Act passed *March 6, 1792.*]

An ACT for annexing Part of the Town of *Norwich*
and Part of the Town of *Southampton*, to the Town
of *Montgomery*.

[This Act passed *March 6, 1792.*]

An ACT to incorporate the Plantation called *Shep-
ardsfield*, in the County of *Cumberland*, into a Town
by the Name of *Hebron*.

[This Act passed *March 6, 1792.*]

An ACT to incorporate and establish a Society by
the Name of *The Massachusetts Society for promoting
Agriculture*.

[This Act passed *March 7, 1792.*]

An ACT for establishing an Academy in the Town of
Machias, by the Name of *Washington Academy*.

[This Act passed *March 7, 1792.*]

An ACT to enable the Town of *Framingham* to regu-
late and order the Taking of the Fish called *Shad*
and *Alewives*, within the Limits of said Town.

[This Act passed *March 8, 1792.*]

An ACT to prevent the Catching of Fish in the
Mouth of *Agawam-River*.

[This Act passed *March 8, 1792.*]

Addit. Act,
Feb. 27, 1795.

An ACT providing for the Payment of Costs in criminal Prosecutions, and for preventing unnecessary Costs therein.

Preamble.

WHEREAS the provision made by an Act, entitled, "An Act providing for the payment of costs in criminal suits," passed the twelfth day of *March*, in the year of our Lord one thousand seven hundred and eighty-three, and by several Acts since passed in addition thereto, is still found to be insufficient: Therefore,

Laws repealed.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the several Acts aforesaid be and the same hereby are repealed.

Courts empowered to tax costs in certain cases.

SECT. 2. *And be it further enacted,* That in all cases where in any costs have already arisen, or may hereafter arise in any criminal prosecution, commenced either before the Supreme Judicial Court or Court of General Sessions of the Peace in any county in this Commonwealth; the Court before whom such prosecution has been, or may be so commenced (having cognizance of the offence) shall have power to allow and tax such costs for Justices, officers and their assistants, Jurors and witnesses, and for Court and other charges as have arisen, or may arise upon such prosecution, and previous to its determination, not exceeding the fees that are or may be stated by law; except in cases which are or may be otherwise provided for by law, and in which a discretionary power is or may be given to the Court, whether the person accused be brought to trial or not, or whether he be convicted or acquitted upon trial: And all such costs, so taxed, shall be paid out of the county treasury; those costs which are taxed by the Court of General Sessions of the Peace, to be charged to the county: And the Clerk of each of said Courts shall attest and deliver to the County-Treasurer, copies of all bills of costs allowed by the Court, and certificates of all fines and forfeitures imposed and accruing to the Commonwealth or to the county, either before the rising thereof, or as soon after as may be: And the Clerk of the Supreme Judicial Court shall also deliver him a separate certificate of all the bills of cost allowed by the Court, setting down therein the sum total only of each, for the purpose hereafter mentioned; and the Clerks of both said Courts shall also be held, as is already provided by law, to return into the treasury of the Commonwealth, a certificate of all fines and forfeitures imposed, to the use of the Commonwealth, by their respective Courts.

Clerks to certify.

Officers of Court accountable to County-Treasurer for fines, &c.

SECT. 3. *And be it further enacted,* That all Sheriffs, Coroners and Constables, who may hereafter receive any fines, forfeitures or bills of cost, in pursuance of the judgment or sentence of either of said Courts, as well where such fines or forfeitures accrue to the Commonwealth as where they accrue to the

the county, except debts and costs received upon executions in favour of the Commonwealth, shall forthwith pay the same to the Treasurer of the county in which they shall be received : And if any Sheriff or other officer, receiving such fine or forfeiture, or bills of cost, shall neglect to pay the same for the space of ten days after receipt thereof, he shall forfeit and pay double the amount of such fine or forfeiture, and bill of cost, to such County-Treasurer ; who is hereby empowered and directed to sue for the same forthwith, to be recovered with costs, by action of debt, in the Court of Common Pleas, in the same county ; one third of said penalty to the use of such County-Treasurer, the other two thirds to the use of the Commonwealth ; and the same, when recovered and received (if the fine or forfeiture unpaid accrue to the Commonwealth) shall, together with all other fines, forfeitures and costs accruing to the Commonwealth, by him received as above, be applied to the payment of bills of cost taxed in the Supreme Judicial Court, and certified to him as aforesaid ; otherwise, it shall be for the use of the county. And if any Sheriff, or other officer aforesaid, or any Gaoler, shall permit any person who may be sentenced to pay any fine, forfeiture, or bill of cost, and committed to the custody of such Sheriff or other officer, or Gaoler, till such sentence be performed, to go at large, without and before payment, unless by order of law, and shall not pay such fine, forfeitures and costs, to the County-Treasurer, within twenty days next after such escape, he shall be held to pay double the sum of such fine, forfeitures and costs ; and the Treasurer of the county shall have power to sue for and recover the same in the same manner, and to the same uses as is herein before provided, where such Sheriff or other officers neglect to pay such fines, forfeitures and costs as they have actually received. And every Sheriff and other officer aforementioned, shall, instead of having his accounts of fines received and paid audited by either of said Courts, as by law is now provided, be held to produce to said Courts respectively, at every sessions thereof in their county, receipts in full, from the County-Treasurer, for all fines, forfeitures and costs, imposed by said Courts respectively, received and paid, previous to the sitting of such Courts, or to assign the cause why they have not received, or not paid the same, in order that such Court may order a prosecution against such as shall appear to be delinquent.

Forfeiture,
in case of neglect.

Penalty,
in certain cases.

Obligated to
produce receipts.

And in order as well to increase the said fund for payment of costs, as to promote the convenience of Justices of the Peace, by enabling them to settle their accounts with the County-Treasurer, instead of the Treasurer of the Commonwealth :

SECT. 4. *Be it further enacted*, That every Justice of the Peace be and he hereby is directed to pay all fines and forfeitures by him already received, or that he may hereafter receive,

Justice of
Peace to account for fines,
&c.

give,

-- once in six months.

Forfeiture, in case of neglect.

-- appropriation.

Duty of County-Treasurer.

Further duty.

Forfeiture, in case of neglect.

ceive, upon convictions and sentences before himself, as well those which accrue to the Commonwealth as those which accrue to the county, to the Treasurer of the county whereof he is Justice of the Peace ; and that he render his account, and pay such fines once in every six months from and after the passing of this Act ; and that such payment shall exempt such Justice of the Peace from all penalties inflicted by law for non-payment of such fines and forfeitures into the treasury of the Commonwealth ; and such of said fines as accrue to the Commonwealth shall be appropriated as aforesaid. And if any Justice of the Peace shall neglect to account for, and pay in such fines and forfeitures to the Treasurer of the county whereof he is Justice as aforesaid, he shall forfeit and pay, for every such neglect, the sum of *Ten Pounds*, to such County-Treasurer, to be by him recovered as aforesaid, with costs, one half of such forfeiture to his own use, and the other half to the use of the Commonwealth ; which half accruing to the Commonwealth, shall be appropriated to the payment of costs, and be accounted for as aforesaid : And it shall be the duty of every County-Treasurer, from time to time, to call upon the Justices of the Peace within his county, and to require them to account to him for, and pay in such fines and forfeitures, and to prosecute such as shall be delinquent.

SECT. 5. *And be it further enacted*, That every County-Treasurer in counties where the Supreme Judicial Court is holden but once a year, shall once a year, and where it is held twice a year, shall twice a year, and within two months after the rising of said Court, make out and transmit to the Treasurer of the Commonwealth, an account, upon oath, therein charging the Commonwealth with all bills of costs allowed and taxed by said Court, for which the Clerk's certificate above mentioned, shall be a sufficient voucher ; and a commission of *five per cent.* on all monies received and paid, and giving credit for all fines, forfeitures and costs accruing to the Commonwealth, and by him received as aforesaid, and paying the balance of such account, if in favour of the Commonwealth, to the Treasurer thereof ; but if such balance be in favour of the County-Treasurer, it shall be paid him or his order, out of any unappropriated monies in the treasury, as soon as may be, by the Treasurer of the Commonwealth ; said account having been first laid by him before the Governor and Council for their examination and allowance, and their warrant thereupon by him obtained for payment of the same. And any County-Treasurer who shall neglect to make out and transmit his account as aforesaid, and to pay the balance, if any be due, to the Commonwealth as aforesaid, within the time aforesaid, shall forfeit and pay the sum of *Thirty Pounds*, to the use of the Commonwealth ; to be recovered with costs, by action of debt, in the Court of Common Pleas in the county whereof he is

Treasurer :

Treasurer: And the Attorney-General, upon notice of such neglect, from the Treasurer of the Commonwealth, which he is hereby required forthwith to give, shall be and hereby is authorized and required, to prosecute such action, without delay, to final judgment and execution. And the said County-Treasurer shall be also held, notwithstanding the recovery of the penalty aforesaid, to account for and pay the balance of all such fines, forfeitures, and costs, accruing to the Commonwealth, into the treasury thereof.

Attorney-General to prosecute.

And whereas unnecessary costs have arisen, to the injury of the Commonwealth, and to the oppression of individuals, by the summoning of unnecessary witnesses by Justices of the Peace, at the request of private prosecutors of criminal suits: For prevention thereof,

SECT. 6. *Be it further enacted*, That no Justice of the Peace shall hereafter have power to issue summonses for witnesses to appear at any Court, or before any Justice of the Peace, except on complaint brought before himself, to give evidence in behalf of the Commonwealth, upon any criminal suit, unless it be by the request of the Attorney-General or person acting as State's Attorney in the county where such Justice dwells; and no witness, summoned without such request, shall be allowed any pay for his travel or attendance: And when any Justice of the Peace shall issue any summons at the request of the party prosecuted, it shall be so expressed in the summons, and the witness shall therein be required to appear and give evidence, upon condition such person prosecuted pays him his legal fees, but not otherwise.

Summonses not to issue except in certain cases.

--- when issued how to be expressed.

[This Act passed March 8, 1792.]

An ACT in Addition to an Act passed on the tenth Day of June, One thousand seven hundred and ninety-one, entitled, "An Act for establishing the Boundary Line between the Towns of *Brookfield* and *New-Braintree*, in the County of *Worcester*."

[This Act passed March 8, 1792.]

An ACT in Addition to an Act passed February the twenty-second, One thousand seven hundred and ninety, entitled, "An Act to prevent the Destruction of the Fish, called Alewives, in *Taunton Great-River* (so called) in the County of *Bristol*, and to regulate the Catching of said Fish therein for the future."

[This Act passed March 8, 1792.]

An ACT for incorporating *Daniel Reed*, and others, Proprietors of a certain Tract of Meadow Land, in the Town of *Abington*, known by the Name of *The Old Mill-Pond-Meadow*, into a Body Corporate, by the Name of *The Proprietors of the Old Mill-Pond-Meadow*.

[This Act passed March 8, 1792.]

An ACT to incorporate *Henry Knox*, Esq. and others, for the Purpose of opening a navigable Canal from some Part of *Connecticut-River*, to communicate with the Town of *Boston*, by the Name of *The Proprietors of the Massachusetts Canal*.

[This Act passed March 10, 1792.]

Addit. Act,
Mar. 11, 1797.

An ACT providing for the due Observation of the Lord's Day, and repealing the several Laws heretofore made for that Purpose.

Preamble.

WHEREAS the observance of the Lord's Day is highly promotive of the welfare of a community, by affording necessary seasons for relaxation from labour and the cares of business; for moral reflections and conversation on the duties of life, and the frequent errors of human conduct; for public and private worship of the Maker, Governor and Judge of the world; and for those acts of charity which support and adorn a Christian society: And whereas some thoughtless and irreligious persons, inattentive to the duties and benefits of the Lord's Day, profane the same, by unnecessarily pursuing their worldly business and recreations on that day, to their own great damage, as members of a Christian society; to the great disturbance of well-disposed persons, and to the great damage of the community, by producing dissipation of manners and immoralities of life:

Prohibitions
on
the Lord's Day.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That no person or persons whatsoever shall keep open his, her or their shop, ware-house or work-house, nor shall, upon land or water, do any manner of labour, business or work (works of necessity and charity only excepted) nor be present at any concert of music, dancing, or any public diversion, show or entertainment, nor use any sport, game, play or recreation, on the Lord's Day, or any part thereof, upon penalty of a sum not exceeding *Twenty Shillings*, nor less than *Ten Shillings*, for every offence.

Penalty.

SECT.

SECT. 2. *Be it further enacted by the authority aforesaid,* That no traveller, drover, waggoner, teamster, or any of their servants, shall travel on the Lord's Day, or any part thereof (except from necessity or charity) upon the penalty of a sum not exceeding *Twenty Shillings*, nor less than *Ten Shillings*. Travelling prohibited.
Penalty.

SECT. 3. *Be it further enacted,* That no vintner, retailer of strong liquors, innholder, or other person keeping a house of public entertainment, shall entertain or suffer any of the inhabitants of the respective towns where they dwell, or others, not being travellers, strangers, or lodgers in such houses, to abide and remain in their houses, yards, orchards or fields, drinking or spending their time, either idly or at play, or doing any secular business on the Lord's Day, or any part thereof, on penalty of *Ten Shillings*, payable by such vintner, retailer or innholder, or person keeping such house of entertainment, for each person so entertained or suffered; and every person so drinking or abiding (except as aforesaid) shall pay a fine not exceeding *Ten Shillings*, nor less than *Five Shillings*; and every such licensed person, upon any conviction after the first, shall pay a fine of *Twenty Shillings*, and having been three times convicted, shall be debarred from renewing his license forever after. Tavern-keepers forbid to entertain.
Penalty.

And although it is the sense of this Court, that the time commanded in the sacred scriptures to be observed as holy time, includes a natural day, or twenty-four hours; yet whereas there is a difference of opinion concerning the beginning and ending of the Lord's Day, among the good people of this Commonwealth, and this Court being unwilling to lay any restrictions which may seem unnecessary or unreasonable to persons of sobriety and conscience: Preamble.

SECT. 4. *Be it therefore enacted by the authority aforesaid,* That all the foregoing regulations, respecting the due observation of the Lord's Day, shall be construed to extend to the time included between the midnight preceding and the sun setting of the same day. Time to include the Lord's Day.

SECT. 5. *Be it enacted by the authority aforesaid,* That no person shall be present at any concert of music, dancing, or other public diversion, nor shall any person or persons use any game, sport, play or recreation, on the land or water, on the evening next preceding or succeeding the Lord's Day, on pain of *Ten Shillings* for each offence; and no retailer, innholder, or person licensed to keep a public house, shall entertain, or suffer to remain, or be in their houses or yards, or other places appurtenant, any person or persons (travellers, strangers or lodgers excepted) drinking or spending their time on the said evenings, on penalty of *Ten Shillings* for each offence. Prohibitions in certain hours, on penalty.

And whereas the public worship of ALMIGHTY GOD, is esteemed by Christians an essential part of the due observance of the Lord's Day, and requires the greatest decency and reverence for a due performance of the same: Preamble.

SECT.

Penalty,
for not attend-
ing on public
worship.

SECT. 6. *Be it therefore enacted*, That any person, being able of body and not otherwise necessarily prevented, who shall, for the space of three months together, absent him or herself, from the public worship of God, on the Lord's Day (*provided* there be any place of worship at which he or she can conscientiously and conveniently attend) shall pay a fine of *Ten Shillings*.

----- for inde-
cent behaviour
in meeting.

SECT. 7. *Be it further enacted by the authority aforesaid*, That if any person shall on the Lord's Day, within the walls of any house of public worship, behave rudely or indecently, he or she shall pay a fine not more than *Forty Shillings*, nor less than *Five Shillings*.

----- or inter-
rupting public
worship at any
other time.

SECT. 8. *And be it enacted by the authority aforesaid*, That if any person or persons, either on the Lord's Day, or at any other time, shall wilfully interrupt or disturb any assembly of people met for the public worship of God, within the place of their assembling, or out of it, he or they shall severally pay a fine not exceeding *Ten Pounds*, nor less than *Twenty Shillings*.

Writs not to
be served on
the Lord's
Day.

SECT. 9. *Be it further enacted by the authority aforesaid*, That no person shall serve or execute any civil process, from midnight preceding to midnight following the Lord's Day; but the service thereof shall be void, and the person serving the same shall be as liable to answer damages to the party aggrieved, as if he had done the same, without any such civil process.

Duty of Tyth-
ingmen.

SECT. 10. *And be it further enacted*, That the Tythingmen chosen, or which shall be chosen in the several towns and districts, within this Commonwealth, shall be held and obliged to inquire into, and inform of all offences against this Act; and all such Tythingmen as shall be hereafter chosen, shall take the following oath:

Oath.

YOU, being chosen a Tythingman for the town of _____, for the year ensuing, and until another shall be chosen in your room, do solemnly swear, that you will diligently attend to, and faithfully execute the duties of the said office, without partiality, and according to your best discretion and judgment. *So help you GOD.*

Their powers.

And every such Tythingman is hereby authorized and empowered, to enter into any of the rooms and other parts of an inn, or public house of entertainment, on the Lord's Day, and the evening preceding and succeeding; and if such entrance shall be refused to any Tythingman, the landlord or licensed person, shall forfeit the sum of *Forty Shillings* for each and every offence. And the said Tythingmen are hereby further authorized and empowered, within their respective towns, to examine all persons whom they shall have good cause, from the circumstances thereof, to suspect of unnecessarily travelling as aforesaid, on the Lord's Day, and to demand of all such persons the cause thereof, together with their names and places of abode; and if any person shall refuse to give answer, or shall give

give a false answer to such demand, he shall pay a fine not exceeding *Five Pounds*, nor less than *Twenty Shillings*; and if the reason given for such travelling shall not be satisfactory to such Tythingman, he shall enter a complaint against the person travelling, before a Justice of the Peace in the county where the offence is committed, if such person lives in such county, otherwise shall give information thereof to some Grand-Juryman, to be by him laid before the Grand-Jury, for their consideration and presentment.

SECT. 11. *And be it further enacted*, That the oath of any Tythingman shall be deemed full and sufficient evidence, in any trial for any offence against this Act, unless, in the judgment of the Court or Justice, the same shall be invalidated by other evidence that may be produced. Penalty. Oath valid.

SECT. 12. *And be it further enacted*, That the special authority given by this Act to Tythingmen, for preventing the breaches thereof, shall not be construed or understood to exempt any Sheriff, Grand-Jurors, Constables or other officers or persons whatsoever, from any obligation or duty to cause this Act to be put in execution, but they shall be held to take due notice and prosecute all breaches thereof, such special authority notwithstanding. Authority extended.

SECT. 13. *And be it further enacted*, That all the penalties and fines, incurred and paid for any of the offences aforesaid, shall be for the use of the Commonwealth: And that all said offences, the penalties against which exceed *Forty Shillings*, shall be prosecuted by presentment of the Grand-Jury, before the Court of General Sessions of the Peace in the county wherein the offence may be committed: But all offences, the penalty whereof does not exceed *Forty Shillings* (except the offender lives out of the county in which the offence may be committed) shall be prosecuted by complaint before a Justice of the Peace in such county: But when the offender lives out of such county, he may be prosecuted by presentment as aforesaid, although the penalty does not exceed *Forty Shillings*. Fines appropriated. Manner of prosecution.

SECT. 14. *And be it further enacted by the authority aforesaid*, That all laws heretofore made, so far as they relate to the due observation of the Lord's Day, be and hereby are repealed and declared null and void. Laws repealed.

[This Act passed March 8, 1792.]

An ACT providing for the Security of the Treasury of this Commonwealth.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That every person who shall be hereafter, pursuant to the Constitution, chosen to the office of Treasurer and Receiver-General, Oaths and sureties required.

Condition of
the bond.

General, and accept the same, shall, before he enters on the discharge of the business of such office, take and subscribe, before the Governor and Council, the oaths or affirmations and declarations, required of such officer, by the Constitution of this Commonwealth, and Laws of the United States; and shall likewise become bound, with three sureties at the least, to be approved as sufficient by the Governor, with the advice of Council, and with such officer to be jointly and severally holden thereupon, in the sum of *Thirty Thousand Pounds*, to the Commonwealth; the condition of which bond shall be to the following effect, *that is to say*, That the person chosen and qualified, or to be qualified as aforesaid, and undertaking the said office of Treasurer and Receiver-General, and all persons who shall be by him intrusted and employed in such office, shall, in all things, faithfully and honestly discharge and perform their respective duties and trusts, which are or shall be of, or in them respectively required or had; and more especially that the said Treasurer and Receiver-General shall, during his continuance in office, use all necessary and reasonable diligence and care, in the safe keeping and lawful disposal of all sums of money, books, bonds, notes, papers, and all other matters and things appurtenant to the said office, and which by virtue thereof have or shall come to the hands of the said Treasurer and Receiver-General, his agents or servants; and thereof, and of all expenditures in the said office, the said Treasurer and Receiver-General, his heirs, executors, administrators, or sureties, or some one of them, shall render a just and true account, when, by law, or by the Senate and House of Representatives, for the time being, or by either of them, with reasonable notice, required; and shall, at the expiration of the office of such Treasurer and Receiver-General, by a new choice, or his death or resignation, or any vacancy thereof, which shall be, by virtue of this Act, declared by the Governor with the advice of Council, produce and deliver over without fraud, embezzlement or delay, all and singular the monies, books, credits and other appurtenances of the said office, then remaining in the custody of the said Treasurer and Receiver-General, his agents or servants, to such person or persons as are or shall be by law appointed and authorized to receive the same; and that the said Treasurer and Receiver-General, his executors or administrators, or the said sureties, or their respective executors or administrators, or some of them, shall, as soon as may be, then after, and as far as in them lies, cause a final adjustment of the accounts of said office, and all balances and defalcations which shall appear against such Treasurer or Receiver-General, thereupon shall pay or cause to be paid into the treasury of this Commonwealth.

Office to be
declared va-
cant, in case.

SECT. 2. *And be it further enacted*, That the Governor with the advice of Council, upon the complaint or suggestion made,
under

under oath, of any person or persons, and more especially of any surety of a Treasurer and Receiver-General, in any bond, to be taken as aforesaid, that such officer is insane, or manifestly insolvent, or hath absconded and concealed himself for fear of his just creditors, or is absent from this Commonwealth, or the duties of his said office, to the imminent hazard of the said Commonwealth, in respect to the trusts in such officer reposed, and the truth of such complaint or suggestion appearing, upon due examination thereof had, shall have authority, and it shall be their duty, to discontinue such Treasurer and Receiver-General, and to declare such office vacant.

SECT. 3. *And be it further enacted,* That upon the death or resignation of the Treasurer and Receiver-General, or upon any other vacancy of that office, which the Governor with the advice of Council, shall be authorized by this Act to declare, the Secretary, with two discreet and impartial citizens, to be appointed by warrant, under the hand and seal of the Governor, upon such event or declaration made, shall have authority, and it shall be their duty respectively, to repair to the place and places where the monies, papers and other matters, appurtenant to the treasury, are usually kept, deposited or known to be, and having previously notified such late Treasurer, or his heirs, executors or administrators, and the sureties bound with him as aforesaid, or one of them to attend thereat, shall seal up and secure in their presence, if they shall see fit to attend, all such monies, papers and other matters, taken to be the property of this Commonwealth; and shall give such representatives or sureties, if required by them, a true list of all boxes and packages which shall be so sealed and secured, and shall note on such list, the place or places, wherein the same are deposited; and as soon as it may afterwards be conveniently done, shall, having given like notice, cause the said boxes and packages to be examined, and an accurate inventory to be taken of the said monies, and of all bonds, notes, securities, books, and of any other matters appurtenant to the said office, which shall be required by the said late Treasurer or his representatives or sureties, or either of them present thereat; and a copy thereof shall be lodged in the Secretary's office; and one or more copies, as may be required, shall be given to any person concerned in ascertaining the truth, in the premises; and the said Committee shall safely keep all such monies, papers and other matters, inventoried as aforesaid, until another Treasurer shall be chosen, to whom they shall deliver over the same, when qualified in the manner this Act provides, taking duplicate receipts from such Treasurer, one of which shall be deposited with the Secretary, and the other with such late Treasurer, or his legal representative, or his said sureties, or one of them.

Secretary, and others, authorized, in case of vacancy.

Provided always, That in the succession, by the annual

choice of a Treasurer and Receiver-General, the former

officer being present and capable of acting, duplicate receipts shall be given by the successor, one of which being lodged with the Secretary, shall be sufficient evidence for such former officer, of the property of the Commonwealth remaining and delivered over by him, and shall be his sufficient discharge therefor accordingly, without other proceedings as herein required.

Attorney-General empowered in case.

SECT. 4. *And be it further enacted*, That the bonds herein required shall be lodged in the Secretary's office, and the Attorney-General, upon the order of the Governor with the advice of Council, or of the Senate and House of Representatives, in General Court assembled, and any other person or persons, who shall be by them authorized herein, shall and may, in behalf, and for the use of this Commonwealth, commence any action or actions, upon any such bond, and pursue the same to final judgment, execution and satisfaction.

Penalty, in case of fraud.

SECT. 5. *And be it further enacted*, That if any Clerk, or other person employed by the Treasurer and Receiver-General, shall commit any fraud or embezzlement therein, and shall be duly convicted thereof before the Supreme Judicial Court, he shall be punished by fine, not exceeding *Five Hundred Pounds*, or by confinement to hard labour for a term of years or for life, according to the nature and aggravation of the offence, and the judgment of the said Court thereupon.

[This Act passed March 8, 1792.]

An ACT providing a more easy and simple Method than is now in use of barring Estates Tail in Lands, and for making the same liable to the Payment of the Debts of the Tenant in Tail.

Preamble.

WHEREAS the method now in use of barring estates tail in lands, tenements and hereditaments, by common recoveries suffered at common law, is dilatory and expensive, and liable to many objections, and it is expedient to provide an easier and more simple method for effecting that purpose, and for conveying such lands, tenements, and hereditaments in fee simple :

Persons possessed of estates tail, empowered to sell the same.

SECT. I. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the publication of this Act, it shall and may be lawful for any person or persons, who shall and may be seized and possessed of any lands, tenements or hereditaments, within this Commonwealth, in fee tail, being of full age, by deed duly executed before two or more credible subscribing witnesses, acknowledged before the Supreme Judicial Court in any county, or the Court of Common Pleas in the county where such lands lie, or before any Justice of the Peace

Peace in this Commonwealth, or before a Justice of the Peace or Magistrate in some other of the United States of *America*, or in any other state or kingdom, wherein the grantor or vender may reside at the time of making and executing the deed, and recorded in the record of deeds for such county, for a good or valuable consideration, *bona fide*, to give, grant, sell and convey such lands, tenements or hereditaments, or any part thereof, in fee simple, to any person or persons capable, by law, of taking and holding real estates, in this Commonwealth; and such deed so executed, acknowledged and recorded, shall be sufficient and effectual in law, to bar all estates tail in such lands, tenements or hereditaments; and all right and title of the tenant or tenants, in tail, and their issue in tail, and of all others claiming under, and by force of the original gift or grant which created such estate tail, in and to such lands, tenements or hereditaments, and all reversions and remainders, expectant upon the determinations of such estates tail, and to pass, and to vest the absolute inheritance, in fee simple of such lands, tenements or hereditaments, in such purchasers, or grantees, without any fine or common recovery, made or suffered, or any other Act or ceremony whatever, any law, custom or usage to the contrary notwithstanding.

SECT. 2. *And be it further enacted*, That all lands, tenements or hereditaments, in this Commonwealth, held, or that may be held, in fee tail, general or special, shall be and are hereby declared to be liable and subject to the payment of the debts of the tenant in tail, in the same way and manner as other real estates are liable and subject, as well after the decease, as in the life time of such tenant in tail.

Estates so held, to be subject.

SECT. 3. *And be it further enacted*, That whenever any person shall hereafter, in and by his last will and testament, devise any lands, tenements or hereditaments, to any person, for and during the term of such person's natural life, and after his death, to his children or heirs, or right heirs in fee, such devise shall be taken and construed to vest an estate for life only in such devisee, and a remainder in fee simple, in such children, heirs or right heirs, any law, usage or custom to the contrary notwithstanding.

No person may bequeath an estate.

[This Act passed March 8, 1792.]

An ACT for making the Certificates of certain Officers, Evidence in criminal Cases.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That in all criminal prosecutions, within this Commonwealth, for forging or altering any paper, or other bill of credit of the United States of *America*, or either of said States, or of uttering

Evidence admitted in case of forgery.

ing

ing or passing any such paper or other bill of credit, knowing the same to be forged or altered, or of holding and possessing such forged or altered bill of credit, with intent to utter or pass the same, knowing the same to be forged or altered, the certificate under oath of the Secretary or Treasurer of the said United States of *America*, or of either of the said States, of the tenor of the true bill alleged to be forged or altered, shall be admitted on trial, in such prosecution, for the purpose of proving such bill of credit to be forged or altered.

[This Act passed *March 8, 1792.*]

Addit. Acts,
June 30, 1792,
Mar. 28, 1793,
Feb. 27, 1796,
Feb. 6, 1800.

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *Charles-River*, from the westerly Part of *Boston*, to *Cambridge*, and for extending the Interest of the Proprietors of *Charles-River Bridge* for a Term of Years.

[This Act passed *March 9, 1792.*]

An ACT regulating the taking of the Fish called Alewives, in the several Streams emptying into *Merrimack-River*, in the Town of *Andover*.

[This Act passed *March 9, 1792.*]

An ACT in further Addition to an Act, entitled, “ An Act for regulating and governing the Militia of the Commonwealth of *Massachusetts*, and for repealing all Laws heretofore made for that Purpose.”

[This Act passed *March 9, 1792.* Repealed *June 22, 1793.*]

An ACT in Addition to an Act, entitled, “ An Act to establish a Bank in this State, and to incorporate the Subscribers thereto.”

Preamble.

WHEREAS it is necessary to provide for a more secure administration of the affairs of the *Massachusetts Bank*, in order that the purposes for which the same was established may be answered :

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,*

Smallest notes
they can issue.

That the said Corporation shall not issue any note of a less denomination than *Five Dollars*, and from and after the first day

day of *January* next, the total amount of all the promissory notes of said Corporation, together with the money loaned by them, by a credit on their books or otherwise, shall not, at any one time, exceed double the amount of their capital stock in gold and silver, actually deposited in the Bank, and held to answer the demands against the same; and in case of excess, the Directors of said Bank, under whose administration it shall happen, shall be liable for the same, in their natural and private capacities, and an action of debt or on the case, may, in such case, be brought against them, or any of them, their or any of their heirs, executors or administrators, in any Court proper to try the same, by any creditor or creditors of the said Corporation, and may be prosecuted to final judgment and execution, any condition, covenant or agreement to the contrary notwithstanding; but this shall not be construed to exempt the said Corporation, or the lands, tenements, goods or chattels of the same, from being also liable for, and chargeable with the said excess.

Notes and money loaned, restricted.

Directors liable.

Provided, That such of the said Directors as may be absent, when the said excess was contracted or created, or who may have dissented from the resolution or Act, whereby the same was so contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence or dissent, to the Supreme Executive of this Commonwealth, for the time being.

Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the Directors of said Bank, to furnish the Governor and Council of this Commonwealth, for the time being, once in six months, at least, and as much oftener as they may require, with statements of the amount of the capital stock of said Corporation, and of the debts due to the same, of the monies deposited therein, of the notes in circulation, and of the cash in hand; which statement shall be signed by the Directors, and attested by their Cashier.

Duty of the Directors.

SECT. 3. *And be it further enacted by the authority aforesaid*, That if the said Corporation, or any person or persons for or to the use of the same, shall deal or trade in buying or selling any goods, wares, merchandize or commodities, or shall, after six months from the passing this Act, buy or sell the stock or shares of any Bank that is already, or may hereafter be established in this State or any of the United States, all and every person or persons by whom any order or direction for so dealing or trading shall have been given, and all and every person and persons who shall have been concerned as parties or agents therein, shall forfeit and pay double the value of the goods, wares, merchandize, commodities, or Bank stock, in which such dealing and trade shall have been—one half to the use of the informer, and the other half thereof to the use of the Commonwealth, to be recovered with costs of suit.

Corporation prohibited from dealing or trading.

Forfeiture.

SECT.

Number of
votes limited.

SECT. 4. *And be it enacted by the authority aforesaid, That no Stockholder or Proprietor in the Massachusetts Bank shall be entitled to more than ten votes, at any meeting of said Corporation.*

[This Act passed March 9, 1792.]

An ACT to continue an Act, entitled, “An Act for rendering Processes in Law less expensive.”

[This Act passed March 9, 1792.]

An ACT permitting the Naturalization of Persons proscribed by any Law of this Commonwealth.

Proscribed
persons nat-
uralized.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all persons proscribed by any law or laws of this Commonwealth, may be naturalized and admitted as citizens, in the same manner, and on the same conditions, as are directed and provided in case of other aliens, in and by an Act of the United States, in Congress assembled, entitled, “An Act to establish a uniform rule of naturalization;” any law or resolve to the contrary notwithstanding: Provided, That the previous proceedings at a common law Court of Record, required by that Act, be had before some such Court within this Commonwealth.

Proviso.

[This Act passed June 9, 1792.]

An ACT to repeal an Act, entitled, An Act to invest the Committee of the second Precinct in *Rehoboth*, with corporate Powers, for certain Purposes therein mentioned,” and to incorporate a Number of the Inhabitants of said Precinct, by the Name of *The Catholic Congregational Church and Society in the second Precinct in the Town of Rehoboth.*

[This Act passed June 19, 1792.]

An ACT in Addition to an Act, entitled, “An Act for incorporating certain Persons for the Purpose of building a Bridge over *Merrimack-River*, in the County of *Essex*, and for supporting the same.”

[This Act passed June 22, 1792.]

An ACT to incorporate certain Persons by the Name of *The Congregational Society in the first Precinct in the Town of Rehoboth*, in the County of *Bristol*, whereof the Rev. *John Ellis* is the present Pastor ; and for repealing an Act made and passed in the Year of our LORD One thousand seven hundred and sixty-two, entitled, “ An Act to invest the Committee of the first Precinct in *Rehoboth*, with corporate Powers for certain Purposes therein mentioned.”

[This Act passed June 23, 1792.]

An ACT for incorporating a Number of the Inhabitants of the Town of *New-Bedford*, in the County of *Bristol*, into a separate Parish.

[This Act passed June 23, 1792.]

An ACT to incorporate sundry Persons by the Name of *The President and Directors of the Union Bank*. Addit. Act,
Mar. 9, 1793.

WHEREAS *Stephen Higginson*, and others, have in their petition to this Court, proposed to raise a fund for the establishment of a Bank, and are already in possession of partial deposits therefor : Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Stephen Higginson, Caleb Davis, William Tudor, Oliver Wendell, Nathaniel Fellows, Joseph Coolidge, William Smith, Joseph Blake, Frederick William Geyer, Daniel Hubbard and David Greene*, their associates, successors, and assigns, shall be and they hereby are created a Corporation and body politic, by the name and style of *The President and Directors of the Union Bank*, and shall so continue until the first Monday of *October*, one thousand eight hundred and two ; and, by the name aforesaid, the said Corporation shall be and they hereby are made able and capable in law, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in Courts of Record, or any other place whatever ; and also to make, have and use a common seal, and the same again at pleasure to break, alter and renew ; and also to ordain, establish and put in execution, such bye-laws, ordinances and regulations, as to them shall seem necessary and convenient for the government of said Corporation, and the prudent management of their affairs : *Provided*, Such bye-laws and regulations shall Persons incor-
porated.

Their power.

Provide
be

be in no wise contrary to the laws and Constitution of the Commonwealth ; and the said Corporation shall be always subject to the rules, restrictions, limitations and provisions herein prescribed.

Limitation of
their capital
stock.

SECT. 2. *Be it further enacted by the authority aforesaid, That the capital stock of said Corporation shall consist of a sum not less than Four Hundred Thousand Dollars, nor more than Eight Hundred Thousand Dollars, in specie, and shall be divided into one hundred thousand shares ; and the evidence of the deposits already made, and held by the petitioners and their associates, shall be considered and received as evidence of deposits in the Bank herein established : And the Stockholders, at their first meeting, shall, by a majority of votes, determine the amount of the payments to be made on each share, and the mode of transferring and disposing of the stock and profits thereof : Provided, The same shall not in any way, directly or indirectly, depend on the contingency of lives ; which being entered in the books of said Corporation, shall be binding upon the Stockholders, their successors, and assigns : Provided however, That the payment so agreed to be made, shall not form a stock consisting of less than Four Hundred Thousand Dollars, nor more than Eight Hundred Thousand Dollars, as aforesaid ; and the sum that shall thereupon remain to be paid, shall be paid in by the following instalments—One third part thereof, on or before the first day of October next ; one other third part thereof, on or before the first day of April next ; and the remaining third part thereof, on or before the first day of October, one thousand seven hundred and ninety-three : And in case any of the Stockholders in said Corporation shall fail to complete any of their future payments, they shall forfeit their former payments to the use of the Corporation aforesaid : Provided also, If any interest, rents, or profits of this Bank, shall be used or improved to facilitate the operations of the Tontine Association, or any other association, founded on similar principles, that thereupon this Act shall become void.*

Stockholders
to determine
respecting
payments.

Provisos.

Method of
Payments.

Proviso.

Method of le-
gally possessing
and disposing
of estates.

SECT. 3. *Be it further enacted by the authority aforesaid, That the said Corporation, by the name aforesaid, shall be and they hereby are declared able and capable in law, to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and assigns, lands, rents, tenements, and hereditaments, to the amount of Two Hundred Thousand Dollars, and no more, at any one time ; and also monies, goods, chattels and effects, to the amount of Two Millions of Dollars, and no more, including their original stock ; and to sell, bargain, grant, demise, alien or dispose of the same lands, rents and tenements ; and to loan, negotiate and dispose of said monies, goods, chattels and effects, by taking mortgages on lands, and by discounting on banking principles, on such security as they shall think advisable.*

SECT.

SECT. 4. *Be it further enacted by the authority aforesaid,* That the following rules, regulations, restrictions, limitations, and provisions, shall form, and be fundamental articles of the Constitution of said body politic, *viz.* Constitutional articles.

First. That one fifth part of the whole funds of this Bank shall be always appropriated to loans to be made to citizens of this Commonwealth, not resident in the town of *Boston*, and wherein the Directors shall wholly and exclusively regard the agricultural interest: Which loans shall be made in sums of not less than *One Hundred Dollars*, nor more than *One Thousand Dollars*, and upon the personal bond or note of the borrower, with collateral security, by a sufficient mortgage of real estate for a term not less than one year, and on condition of paying the interest annually on such loans, subject to such forfeiture and right of redemption, as by law is provided. Appropriations.

Second. The said Corporation shall not owe at any one time, more than twice the amount of their capital stock, in addition to the simple amount of all monies actually deposited in said Bank for safe keeping; And in case of any excess, the Directors, under whose administration it shall happen, shall be liable for the same in their private capacity; but this shall not be construed to exempt the said Corporation, or any estate real or personal, which they may hold as a body corporate, from being also liable for, and chargeable with such excess. Corporation may be indebted in a limited sum.

Third. That the lands, tenements and hereditaments, which said Corporation shall hold, shall be only such as shall be requisite for the convenient transaction of its business, and such as shall have been *bona fide* mortgaged to it, by way of security, or conveyed to it by way of satisfaction of debts previously contracted. Estates held for convenience.

Fourth. That said Corporation shall not vest, use or improve any of their monies, goods, chattels or effects, in trade or commerce, but may sell all kinds of personal pledges lodged in their hands by way of security, to an amount sufficient to reimburse the sum loaned. —not to be used in commerce.

Fifth. That for the well ordering of the affairs of said Corporation, a meeting of the Stockholders shall be held in *Boston*, or at such other place as the Stockholders shall direct, on the first Monday of *September* annually, and at any other time during the continuance of said Corporation, at such house, and at such hour of the day, as shall be appointed by the President and Directors for the time being, by notifications in two public newspapers in the town of *Boston*, three weeks successively, before the time appointed for such meeting; at which annual meeting there shall be chosen, by ballot, twelve Directors, who shall continue in office the year ensuing their election. Time and place of the meeting of Stockholders.

Sixth. None but a member of said Corporation, being a citizen of this Commonwealth, and resident therein, shall be eligible to the office of a Director or Cashier. Cashier must be a member.

Seventh.

No Director to hold an office in any other Bank.

Seventh. No Director of any other Bank shall be eligible to the office of a Director in this Bank, although he may be a Stockholder herein; and any Director accepting an office in any other Bank, shall be deemed to have vacated his place in this Bank.

Interest requisite to qualify an Elector.

Eighth. No Stockholder in said Bank shall be considered as qualified to vote in the election of the officers of said Bank, or in any of the affairs thereof, unless he shall be interested therein, to the amount of *One Hundred Dollars*; and the Stockholders thus qualified, shall vote in proportion to their property, in the following ratio, *that is to say*—Every holder of *One Hundred Dollars*, shall have one vote, and every *Two Hundred Dollars*, above *One Hundred Dollars*, shall give a right to one vote more: *Provided*, That no one member shall have more than ten votes; and absent members may vote by proxy, authorized, in writing; and in all elections in the first instance, a majority of votes shall be necessary to determine the same; but in case of a second trial, a plurality shall decide the vote.

Proviso.

President to be a Director.

Ninth. The Directors shall choose one of their own number to act as President.

Director not entitled to pay, except the President.

Tenth. No Director shall be entitled to any emolument for his services, but the Stockholders may make the President such compensation as to them shall appear reasonable.

Number which constitute a Board.

Eleventh. Not less than seven Directors shall constitute a Board, for the transaction of business, of whom the President shall always be one, except in case of sickness or necessary absence, in which case the Directors present may choose a Chairman, for the time being.

Directors eligible for the next election.

Twelfth. Not more than three fourths of the Directors in office, exclusive of the President, shall be eligible for the next succeeding year: But the Director who shall be President at the time of an election, may be re-elected.

Cashier to give bond.

Thirteenth. The Cashier, before he enters upon the duties of his office, shall give bond, with two or more sureties, to the satisfaction of the Board of Directors, in a sum not less than *Twenty Thousand Dollars*, with condition for the faithful discharge of the duties of his office.

Bills issued, to be binding.

Fourteenth. All bills issued from the Bank aforesaid, and signed by the President, shall be binding on said Corporation; but it shall not be lawful for them to issue any bills of a less denomination than *Five Dollars*.

Dividends.

Fifteenth. The Directors shall make half yearly dividends of all the profits, rents, premiums and interests of the Bank aforesaid.

Directors empowered to choose officers.

Sixteenth. The Directors shall have power to appoint a Cashier, and such other Officers and Clerks, for carrying on the business of the Bank, with such salaries and allowances as to them shall seem meet.

Seventeenth.

Seventeenth. No loans shall be made by the Directors of said Corporation, for the use, or on account of any foreign Prince or State, unless previously authorized by a law of this Commonwealth. Loans to foreigners forbid, conditionally.

SECT. 5. *And be it further enacted by the authority aforesaid,* That whenever the Legislature shall require it, the said Corporation shall loan to the Commonwealth any sum of money not exceeding *One Hundred Thousand Dollars*, reimbursable by five annual instalments, or at any shorter period, at the election of the Commonwealth, with the annual payment of interest, at a rate not exceeding *five per centum per annum* : *Provided however,* That the Commonwealth shall never, at any one time, stand indebted to said Corporation, for a larger sum than *One Hundred Thousand Dollars*. Legislature may require loans, in a limited sum.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the principal seat of said Bank, shall be in the town of *Boston*, or in such other place within this Commonwealth, as the Stockholders shall direct ; but the Directors may, at any future period, establish offices for the purpose of loans, discounts and deposits, in such other towns within this Commonwealth, and commit the management thereof to such persons, and under such regulations, as to the Directors shall seem proper and advisable. Stockholders empowered to appoint a principal place.

And whereas it is repugnant to the principles of a free government, that the property of any of its citizens should be placed out of the reach of their just creditors : Preamble.

SECT. 7. *Be it further enacted by the authority aforesaid,* That the property of every individual member of said Corporation, vested in said corporate funds, shall be liable to attachment, and to the payment and satisfaction of his just debts, to any of his *bona fide* creditors, in manner following, *viz.* In addition to the summons by law prescribed to be left with the debtor, a like summons shall be left with the Cashier of said Bank ; and the debtor's shares in the said corporate funds, together with the interests, rents and profits due and growing due thereon, shall thereby be held to respond said suit according to law ; and all transfers of the debtor's shares, not noted in the Bank books, previous to the delivery of such summons, shall be barred thereby ; and execution may be levied upon the property of any Stockholder in said Bank, and his shares therein be exposed to sale, in the same manner as is by law provided where personal estate is taken in execution ; and it shall be the duty of the officer who extends such execution, to leave an attested copy thereof, with his doings thereon, with the Cashier of said Bank, and the purchaser shall thereupon be entitled to the reception of all dividends and stock, and to the same privileges as a member of said Corporation, that the debtor previously was entitled to ; and upon any attachment being made, or execution levied on any shares in said Bank, it shall be Property in the Bank liable to attachments to the satisfaction of just debts.

the

the duty of the Cashier of said Bank to expose the books of the Corporation to the Officer, and to furnish him with a certificate under his hand in his official capacity, ascertaining the number of shares the debtor holds in said Bank, and the amount of the dividends thereon due.

Committee empowered.

Incorporation declared void, in case.

Interest of the Commonwealth therein.

Persons authorized to call a meeting.

SECT. 8. *Be it further enacted by the authority aforesaid,* That any Committee, specially appointed by the Legislature for the purpose, shall have a right to examine into the doings of said Corporation, and shall have free access to all their books; and if, upon the report of such Committee, it shall be found, and after a full hearing of said Corporation thereon, be determined by the Legislature, that said Corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions and conditions in this Act provided, their incorporation shall thereupon be declared forfeited and void, and the same shall be announced by proclamation from the Supreme Executive Authority of the Commonwealth.

SECT. 9. *And be it further enacted,* That this Commonwealth shall have a right to be interested in the said Bank, in a proportion not exceeding one third of the whole amount thereof, including the sum which may be subscribed by the said Commonwealth, on such terms, and on such conditions, and under such regulations, as the Legislature shall hereafter determine. *Provided always,* That the profits of the said Commonwealth shall be in proportion to their deposits.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the persons herein before named, or any three of them, are authorized and directed to call a meeting of the Members and Stockholders of said Corporation, as soon as may be, in Boston, by advertising the same, for three weeks successively, in the *Independent Chronicle*, for the purpose of their electing a first Board of Directors, who shall continue in office till the first Monday of *October*, one thousand seven hundred and ninety-three, that said Corporation may take effect as soon as may be.

[This Act passed June 25, 1792.]

An ACT in Addition to the several Acts now in force which respect the carting and transporting Gun-Powder through the Streets of the Town of *Boston*, and the Storage thereof in the same Town.

[This Act passed June 26, 1792.]

An ACT for setting off *Elisha Richardson* and *Moses Fisher*, from the west Precinct in *Medway*, to the Town of *Franklin*.

[This Act passed June 27, 1792.]

An ACT determining at what Time and Place the Courts of General Sessions of the Peace and Courts of Common Pleas shall be holden, within the County of *Washington*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first Tuesday of *October* next, the time and place for holding the Courts of General Sessions of the Peace and Courts of Common Pleas, within and for the county of *Washington*, shall be at *Machias*, in the said county, on the first Tuesday of *October* annually, and at no other time; any law of this Commonwealth to the contrary notwithstanding.

Time & place
of holding
Courts.

[This Act passed June 27, 1792.]

An ACT securing the free Passage of the Fish called Alewives, in the Rivers in the Town of *Dartmouth*, in the County of *Bristol*, and for the Preservation of the same.

[This Act passed June 27, 1792.]

An ACT incorporating *Joseph Storer*, and others, for the Purpose of making a better Harbour in *Mousom-River*, in *Wells*.

[This Act passed June 27, 1792.]

An ACT to set off *Benjamin Freeman*, and others, from the Town of *Charlton*, in the County of *Worcester*, and to annex them to the Town of *Sturbridge*.

[This Act passed June 27, 1792.]

An ACT incorporating *Dudley Atkins Tyng*, Esq. and others, for the Purpose of rendering *Merrimack-River* passable with Boats, Rafts and Masts, from the Divisional Line of *New-Hampshire* and *Massachusetts*, to the Tide-Waters of the said River, by the Name of *The Proprietors of the Locks and Canals on Merrimack-River*.

[This Act passed June 27, 1792.]

An ACT regulating, in certain Particulars, the Improvement of *Plumb-Island*, in the County of *Effex*, and repealing an Act for the effectual preventing of Horfes, Neat Cattle, Sheep and Swine, from running at large, or feeding upon a certain Island, called *Plumb-Island*, lying in *Ipswich-Bay*, in the County of *Effex*, passed in the Year One thousand seven hundred and thirty-nine.

[This Act passed June 27, 1792.]

An ACT to incorporate the Plantation of *Buckstown*, in the County of *Hancock*, into a Town by the Name of *Buckstown*.

[This Act passed June 27, 1792.]

An ACT to continue an Act, entitled, "An Act for rendering Proceffes in Law less expensive."

[This Act passed June 27, 1792.]

An ACT authorizing Coroners to execute Writs and Precepts, when the Office of Sheriff may be vacant.

Coroners authorized.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That at all times hereafter, when the office of Sheriff in any county may be vacant by death, resignation, removal, or otherwise, the several Coroners of such county be and they hereby are respectively authorized and empowered to execute and return all writs and precepts, which are by law appointed to be executed and returned by the Sheriff, until another Sheriff for such county shall be appointed and legally qualified, and such Coroners shall have notice thereof: And it shall be the duty of every person who may hereafter be appointed Sheriff of any county, and legally qualified to execute said office, to give notice thereof as soon as may be, to the respective Coroners of the same county. And the Secretary of this Commonwealth is hereby directed to cause this Act to be published in some public newspaper, in each county in this Commonwealth, where any such newspaper is printed.

Sheriffs to notify Coroners of their appointment.

[This Act passed June 28, 1792.]

An ACT to incorporate certain Persons by the Name of *The Independent Christian Church in Gloucester*.

[This Act passed June 28, 1792.]

An ACT to incorporate the Plantation of *Washington*, in the County of *Lincoln*, into a Town by the Name of *Mount-Vernon*.

[This Act passed *June 28, 1792.*]

An ACT to repeal an Act, entitled, “An Act for incorporating a Number of the Inhabitants of the first Parish in *Mendon*, in the County of *Worcester*, into a Society by the Name of *The First Congregational Society in Mendon*,” passed in the Year of our LORD One thousand seven hundred and eighty-four.

[This Act passed *June 28, 1792.*]

An ACT in Addition to an Act, entitled, “An Act for incorporating certain Persons for the Purpose of building a Bridge over *Charles'-River*, from the westerly Part of *Boston* to *Cambridge*, and for extending the Interest of the Proprietors of *Charles'-River* Bridge, for a Term of Years,” and for repealing a certain Clause in said Act.

[This Act passed *June 30, 1792.*]

An ACT for establishing an Academy in the Town of *Taunton*, in the County of *Bristol*, by the Name of *The Bristol Academy*.

[This Act passed *June 30, 1792.*]

An ACT for ascertaining the Boundary Line between the northeast Part of the Town of *Franklin*, and the southeast Part of the Town of *Medway*.

[This Act passed *November 13, 1792.*]

An ACT to set off *John Abbot*, and others, with their Families and Estates, with other Lands, from the Town of *Ashburnham*, and to annex the same to the Town of *Ashby*.

[This Act passed *November 16, 1792.*]

An ACT in Addition to an Act for the due Regulation of Licensed Houses.

Justices authorized to grant licenses.

Conditions.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Justices of the Courts of General Sessions of the Peace in the several counties in this Commonwealth, be and are hereby authorized and directed to grant license as the law directs, for keeping a tavern or for retailing spirituous liquors, to any person applying for such license within their respective counties, who may be an inhabitant or resident in any plantation or other place not within the limits of any incorporated town or district, on such person's taking the oath required by law to be taken by persons previous to their receiving license, and producing satisfactory evidence to the Court to which he shall apply, that he is firmly attached to the Constitution and laws of this Commonwealth, and well qualified and provided for the exercise of such an employment, and that such license will be subservient to the public good.

[This Act passed November 17, 1792.]

An ACT for altering an Act of this Commonwealth, entitled, "An Act directing the Manner in which Money shall be raised and levied to defray the Charges which may arise within the several Counties in this Commonwealth."

Act altered.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the first paragraph of the afore recited Act be and hereby is so far altered, as that the Justices of the Courts of General Sessions of the Peace may, at any Court of Sessions, when it shall appear necessary, make an estimate of the sum or sums of money requisite to defray the charges of the county; any thing in the said paragraph to the contrary notwithstanding.

[This Act passed November 17, 1792.]

An ACT to empower Silas Nowell, Guardian to his Children, to join in the Division of certain undivided Estates, to them belonging, with the other Owners, and on their Behalf to execute any Deeds that may be necessary for that Purpose.

[This Act passed November 17, 1792.]

An ACT providing for the Establishment of Hospitals for inoculating with the Small-Pox, and for repealing all Laws heretofore made for that Purpose.

[Passed November 17, 1792. Repealed March 15, 1793.]

An ACT for incorporating a Number of the Inhabitants of *Turner*, and the Plantation called *Bucktown*, in the County of *Cumberland*, into a distinct religious Society.

[This Act passed November 17, 1792.]

An ACT to establish a Corporation by the Name of *The Trustees of the Marblehead Academy*.

[This Act passed November 17, 1792.]

An ACT in Addition to, and for amending an Act passed the ninth Day of *June*, One thousand seven hundred and ninety, entitled, "An Act for incorporating the southerly Part of the Town of *Plympton*, in the County of *Plymouth*, into a Town by the Name of *Carver*."

[This Act passed February 8, 1793.]

An ACT for admitting Inhabitants of Towns, and certain other Corporations, to be Witnesses, as well for as against such Towns and Corporations, in Suits at Law.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That in all suits at law, whether of a civil or criminal nature, now depending, or that hereafter may be depending in any Court, or before any Justice of the Peace, within this Commonwealth, wherein any town, district, precinct or parish, or other religious incorporate society, is or may be a party, or interested in the event of the suit, any inhabitant of such town, district, precinct or parish, or member of such other religious incorporate society, shall and may be admitted as a competent witness; and his deposition may be used, if duly taken, and for legal cause, in the trial of the cause, as well for as against such town or other corporation: Provided, he hath no

Inhabitants and members of societies, admitted as witnesses, with a

Provido.

other interest therein than as an inhabitant or member of such town or other corporation, and is not otherwise legally disqualified; any law, usage or custom to the contrary notwithstanding.

[This Act passed *February 13, 1793.*]

An ACT to suspend, for a certain Time, an Act passed on the fourteenth Day of *February*, in the Year of our LORD One thousand seven hundred and eighty-nine, entitled, "An Act for limiting the Time in which Suits may be prosecuted against Executors and Administrators, and for perpetuating the Evidence of Notices given by them, and by Guardians and others, respecting the Sale of Real Estate."

Preamble.

WHEREAS the operation of the said Act, and of another Act in addition thereto, passed on the fourteenth of *February*, one thousand seven hundred and ninety-two, may defeat many creditors, unless a longer time is allowed for commencing and suing actions against executors and administrators:

Former Act
suspended.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Act, passed on the fourteenth day of *February*, one thousand seven hundred and eighty-nine, shall be so far suspended, that all actions, which by the Acts herein before recited are limited, so as they cannot be commenced and sued for after the fourteenth day of *February*, current, shall and may be commenced and sued any time before the first day of *June* next; any thing in the said Act to the contrary notwithstanding.

[This Act passed *February 14, 1793.*]

An ACT repealing in Part a Clause in an Act, passed *March* the fifth, One thousand seven hundred and eighty-five, entitled, "An Act for incorporating the Plantation of *Shapleigh*, in the County of *York*, into a Town by the Name of *Shapleigh*," and for annexing certain Lands to *Lebanon*.

[This Act passed *February 14, 1793.*]

An ACT in further Addition to an Act, entitled, “An Act for incorporating certain Persons for the Purpose of building a Bridge over *Merrimack-River*, in the County of *Effex*, and for supporting the same.”

[This Act passed *February 15, 1793.*]

An ACT to set off *Jonathan Kidder*, and others, from the Town of *Sutton*, in the County of *Worcester*, and to annex them to the Town of *Oxford*.

[This Act passed *February 18, 1793.*]

An ACT for incorporating a Number of the Inhabitants of the Town of *Haverhill*, and of the neighbouring Towns, in the County of *Effex*, into a distinct and separate religious Society.

[This Act passed *February 18, 1793.*]

An ACT to set off *Williams Allen*, and others, from the Town of *Dartmouth*, and annex them to the Town of *Westport*.

[This Act passed *February 25, 1793.*]

An ACT in Addition to an Act, entitled, “An Act incorporating the Honourable *John Worthington*, Esquire, and others therein named, for the Purpose of rendering *Connecticut-River* passable for Boats and other Things from the Mouth of *Chickapee-River*, northward throughout this Commonwealth, by the Name of *The Proprietors of the Locks and Canals on Connecticut-River.*”

[This Act passed *February 25, 1793.*]

An ACT to set off *Caleb Woods*, and others, from *Groton*, and to annex them to *Dunstable*.

[This Act passed *February 25, 1793.*]

An ACT for giving Liberty to plead the General Issue, and give the Special Matter in Evidence, in certain Cases.

General issue
plead in cer-
tain cases.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That in all actions now depending, or that may be hereafter depending in any Court within this Commonwealth, wherein the defence intended to be set up by the defendant, is, or may be, that he was a Justice of the Peace, Sheriff, Deputy-Sheriff, or Coroner, or a town, district, precinct or parish Officer, or some other officer civil or military; and that the act or thing for which he is or may be sued, is or may be any act or thing done by him, by virtue or in the execution of his office, the defendant may plead the general issue, and give the special matter in evidence, upon filing in the cause a brief statement of such special matter of defence, within such time as the Court shall order, of which statement the plaintiff shall be entitled to a copy, or he may plead specially at his election.

[This Act passed February 25, 1793.]

An ACT for altering the Time of holding the Court of General Sessions of the Peace and the Court of Common Pleas, within and for the County of *Worcester*, from the Tuesday next preceding the last Tuesday of *March*, to the fourth Tuesday of *March*.

Former Act
repealed.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Act, entitled, "An Act for determining at what times and places the several Courts of General Sessions of the Peace and the Courts of Common Pleas shall be holden, within and for the several counties within this Commonwealth, and for repealing all laws heretofore made for that purpose," so far as it respects the holding of the Court of General Sessions of the Peace and the Court of Common Pleas, within and for the county of Worcester, on the Tuesday next preceding the last Tuesday of March, be and it is hereby repealed.*

Time altered.

SECT. 2. *And be it further enacted by the authority aforesaid, That from and after the passing this Act, the time of holding the Court of General Sessions of the Peace, and Court of Common Pleas, within and for the county of Worcester, shall be on the fourth Tuesday of March, annually.*

All actions,
&c. made re-
turnable
thereto.

SECT. 3. *And be it further enacted by the authority aforesaid, That all appeals already made, recognizances taken, or that may before the aforesaid Tuesday, next preceding the last Tuesday of March next, be made, or taken to the aforesaid Court*

of General Sessions of the Peace ; and all actions already commenced, or that may be commenced ; and all processes returned, or that may be returnable before the aforesaid Tuesday, next preceding the last Tuesday of *March* next ; and all appeals claimed, or which may be claimed, and all actions pending at the aforesaid Court of Common Pleas, which, before the passing of this Act, was to have been holden on the Tuesday next preceding the last Tuesday of *March* next ; shall be returnable to, entered, made, proceeded on, tried and determined, agreeably to the true intent of such writ, process, recognizance or appeal, at the Court to be holden in said county, on the fourth Tuesday of *March* next.

[This Act passed *March 2, 1793.*]

An ACT for setting off *Elijah Whitney* from the Town of *Shrewsbury*, in the County of *Worcester*, and annexing him to the Town of *Westborough*, in the same County.

[This Act passed *March 2, 1793.*]

An ACT to enable the Town of *Newbury* to regulate and order the taking of Fish, called Shad, Bass and Alewives, in the River *Parker*, within the Limits of said Town.

[This Act passed *March 2, 1793.*]

An ACT in Addition to an Act, entitled, “ An Act to establish an Academy in the Town of *Hallowell*, by the Name of *Hallowell Academy.*”

[This Act passed *March 2, 1793.*]

An ACT to annex a certain Gore of Land to the Town of *West-Stockbridge.*

[This Act passed *March 2, 1793.*]

An ACT for naturalizing *George William Erving.*

[This Act passed *March 9, 1793.*]

An ACT in Addition to an Act, entitled, "An Act to incorporate the Plantation Number Seven (so called) in the County of *Hampshire*, into a Town the Name of *Hawley*."

[This Act passed March 9, 1793.]

An ACT for incorporating the south Precinct of the Town of *Braintree*, in the County of *Suffolk*, into a separate Town by the Name of *Randolph*.

[This Act passed March 9, 1793.]

An ACT in Addition to an Act, entitled, "An Act to incorporate sundry Persons by the Name of *The President and Directors of the Union Bank*."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Treasurer of this Commonwealth be and he hereby is authorized and directed to subscribe, in behalf of the Commonwealth, *Two Hundred Thousand Dollars*, in addition to the capital stock of the President and Directors of the Union Bank, aforesaid; which sum, so subscribed, shall be paid into the Bank aforesaid; one moiety thereof at the time of subscribing, as aforesaid, and one fourth part of said sum on or before the first day of *June*, one thousand seven hundred and ninety-four, and the other fourth part on or before the first day of *June*, which will be in the year one thousand seven hundred and ninety-five; which, when paid as aforesaid, shall form and remain part of the capital stock of the said Union Bank, during the continuance of said Corporation: *Provided*, That the Commonwealth may, if the Legislature shall think fit, at any time hereafter, during the existence of the said Bank, subscribe a further sum of *Two Hundred Thousand Dollars*, for the purposes aforesaid; and *provided*, That no part or proportion of the sums of money, so ordered to be subscribed, or which may hereafter be ordered by the Legislature to be subscribed to the said Union Bank, in behalf of the Commonwealth, shall be loaned on mortgage: And the Commonwealth shall be entitled to receive out of the interest and profits arising from the said Bank, a sum in proportion to their actual payments of the sum by them subscribed, from the time of their making the same.

Treasurer authorized to subscribe.

Provisos.

Commonwealth to receive interest.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the Treasurer of the Commonwealth, for the time being, shall,

shall, *ex officio*, be a Director of the said Bank, in addition to the Directors by law to be chosen by the Stockholders. And the Directors of the said Bank shall furnish the Legislature, or, in their recess, the Supreme Executive, with a statement of their proceedings, whenever, and as often as thereto required by either.

Treasurer
appointed
Director.

SECT. 3. *Provided however, and be it further enacted by the authority aforesaid*, That the Legislature shall have a right hereafter, from time to time, to appoint a number of Directors of the said Bank, in proportion as the sum paid from the treasury of the Commonwealth, shall bear to the whole amount of the stock actually paid into the said Bank, if at any time hereafter they shall judge fit to exercise that right.

Provide.

SECT. 4. *And be it further enacted by the authority aforesaid*, That the Treasurer of the Commonwealth be and he hereby is directed, to deposit all monies belonging to the Commonwealth, now in his possession or control, and all such as he may from time to time receive, in the vaults of the said Union Bank, for safe keeping, except such sums as may be necessary for immediate use, until the further order of the General Court.

Treasurer
to deposit
monies in
the Bank.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the property of any Stockholder in said Bank, and his shares therein, shall be answerable to the said Corporation for the payment of all bonds, notes, or other demands, which the said Corporation shall have against such Stockholder, and which shall have been given or accrued to said Corporation previous to any attachment upon the said property or shares; and upon the sale thereof, by virtue of any execution, the amount then due, or becoming due, with a proper discount for any anticipated payment upon such bonds, notes or demands of the said Corporation, shall be deducted and paid to them from the proceeds of such sale, by the officer making the same, who shall be accountable for the remainder only upon such execution to the creditor.

Property of
Stockholders
to be security
for payment
of bonds, &c.

[This Act passed March 9, 1793.]

An ACT empowering *Charles Barrett, Esq.* to erect Locks and open a navigable Canal from the upper Part of *Barrett's-Town* (so called) in the County of *Lincoln*, with the Sea, through *George's-River* (so called.)

[This Act passed March 9, 1793.]

An ACT for incorporating *Jonathan Davis*, and others for the purpose of Building a Bridge across *New-Meadow-River*.

[This Act passed *March 9, 1793.*]

An ACT for altering the Time of holding the Court of General Sessions of the Peace and Court of Common Pleas, now holden on the last Tuesday of *September* annually, in the County of *Essex*.

Time altered
for holding
Court in
Essex.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Court of General Sessions of the Peace and Court of Common Pleas, which are now by law to be holden at *Newburyport*, within and for the county of *Essex*, on the last Tuesday of *September* annually, shall, from and after the passing of this Act, be holden at *Newburyport*, within and for the county of *Essex*, on the first Tuesday of *October* annually; any law, usage or custom, to the contrary notwithstanding.

[This Act passed *March 12, 1793.*]

An ACT to set off *Eleazer Robbins*, and others, with their Families and Estates, from the Towns of *Stoughton* and *Sharon*, and to annex them to the Town of *Foxborough*.

[This Act passed *March 12, 1793.*]

An ACT in Addition to an Act passed in the Year of our LORD One thousand seven hundred and eighty-one, for incorporating the second Precinct in the Town of *Lancaster*, into a Town by the Name of *Sterling*.

[This Act passed *March 12, 1793.*]

An ACT for incorporating a Part of the Towns of *Laneborough*, *Windsor*, *Adams*, and the District of *New-Ashford*, in the County of *Berkshire*, into a Town by the Name of *Cheshire*.

[This Act passed *March 14, 1793.*]

An ACT for dividing the Town of *Salisbury*, in the County of *Essex*, into two Parishes.

[This Act passed *March 15, 1793.*]

An ACT for providing Hospitals for Inoculation, and preventing Infection from the Small-Pox, and for repealing several Acts heretofore made for that Purpose.

WHEREAS the laws heretofore made with intent to prevent the spreading of infection from the Small-Pox, are insufficient, and other provision is necessary to be made: Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That an Act passed in the year of our Lord one thousand seven hundred and seventy-six, entitled, "An Act empowering Justices of the Court of General Sessions of the Peace in the several counties to permit inoculating Hospitals to be erected in said counties:" And also another Act passed in the year of our Lord one thousand seven hundred and seventy-seven, in addition to, and amendment of the Act before mentioned: And also an Act passed in the year of our Lord one thousand seven hundred and seventy-six, entitled, "An Act to prevent the continuance of the Small-Pox in the town of *Boston*, and to license inoculation there for a limited time:" Also, one Act made in the year of our Lord one thousand seven hundred and ninety-two, entitled, "An Act providing for the establishment of Hospitals for inoculating with the Small-Pox, and for repealing all laws heretofore made for that purpose," be and hereby are repealed. Former Acts repealed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be lawful for the inhabitants of any town or district, at any meeting legally warned, eight days before holding the same, to agree upon, erect, establish, or appoint such Hospital or Hospitals, for inoculation with the Small-Pox, within the same town, as shall be thought proper by the major part of the legal voters present at the same meeting: *Provided however,* That all such Hospitals shall be subject to such orders, regulations and restrictions as the Selectmen of the town or district, or a Committee of said town or district, appointed for that purpose, where such Hospital shall be, shall agree upon and establish for the safety of the people; and the inhabitants of the same town or district, at a legal meeting, shall have power to discontinue such Hospital whenever they shall think proper: *Provided however,* That no such Hospital shall be erected within one hundred rods of any dwelling-house inhabited, situated in any adjacent town, without the consent of such adjoining town, in legal town-meeting therefor, first had and obtained. Towns to erect Hospitals by permission.

SECT. 3. *And be it further enacted by the authority aforesaid,* That no person shall inoculate any other person, or inoculate himself or herself, or suffer himself or herself to be inoculated with the Small-Pox, unless at some Hospital licensed and authorized Inoculation forbid on pain of a

Forfeiture.

How disposed of.

Persons concerned in Hospitals to be under regulations.

Hospitals to be provided, in case.

Selectmen to regulate them.

Selectmen to give notice, when any house is infected.

thorized according to this Act, on pain that every person so offending, shall, for each offence, forfeit a sum not exceeding *Forty Pounds*, to be recovered on indictment or presentment of the Grand-Jury, at the Supreme Judicial Court or Court of General Sessions of the Peace, within the same county in which such offence shall have been committed ; the one half of which forfeiture shall be paid into the treasury of the county, and the other half into the treasury of the town in which such offence shall appear to have been done.

SECT. 4. *And be it further enacted by the authority aforesaid,* That whenever any Hospital shall be so erected, established, or appointed, the physician, the persons inoculated, or sick there, the nurses, attendants, and all persons who shall approach or come within the limits of the same ; and all such property as shall be used or brought there, shall be subject to all such orders and regulations as shall be made by the Selectmen, or a committee appointed for that purpose, to prevent spreading the infection.

SECT. 5. *And be it further enacted,* That when the Small-Pox shall unexpectedly break out in any town or district, the Selectmen of the same shall have power, and it shall be their duty immediately to provide such Hospital, or place of reception for the sick and infected, as they shall judge best for their accommodation, and the safety of the inhabitants, and may give license for inoculating there all such persons as shall be supposed to have taken infection ; and such Hospitals and places of reception, shall be subject to the orders and regulations of the Selectmen, in the same manner as is herein before provided respecting licensed Hospitals ; and the said Selectmen shall cause such sick and infected persons to be removed to such Hospitals, or places of reception, unless the condition of the sick person should not admit of removal without danger of life ; in which case, the house or place where the sick shall remain, shall be considered as an Hospital, to every purpose before mentioned, and all persons residing in or in any way concerned with the same, shall be subject to the orders and regulations of the Selectmen of the town or district as before expressed and provided.

SECT. 6. *And be it further enacted,* That in all the cases above mentioned, it shall be the duty of the Selectmen to use all possible care to prevent the spreading of infection, and to give public notice to travellers of infected places, by displaying red flags at proper distances, and by all other means which, in their judgment, shall be most effectual for the common safety ; and in case any physician or other person within any of the Hospitals, or places of reception above described, or who shall attend, approach, or be concerned with the same, shall violate or contravene any of the restrictions, orders or regulations of the same, made according to this Act, either in respect of himself,

or

or his, or any other person's property, the person so offending shall, for each offence, forfeit and pay a sum not exceeding *Thirty Pounds*, nor less than *Four Pounds*, to be recovered and paid in the same manner as is in this Act before provided, in case of offences committed by inoculating, or being inoculated contrary to the form and effect of this Act. Penalty.

SECT. 7. *And be it further enacted*, That whenever any householder shall know that any person within his or her family is taken sick of the Small-Pox, such householder shall immediately give notice thereof to the Selectmen of the town or district of which such householder shall be an inhabitant or resident, on pain that every householder, who shall refuse or neglect to give such notice, shall forfeit and pay for such offence, a sum not exceeding *Thirty Pounds*, nor less than *Ten Pounds*, to be recovered in the same manner as is before provided for recovering the forfeitures mentioned in this Act, and to be appropriated and paid in the same manner. Householders to give notice of any person infected with in their houses, on Penalty.

[This Act passed *March 15, 1793.*]

An ACT for erecting and maintaining a Bridge over *Miller's-River* (so called) in the County of *Hampshire*.

[This Act passed *March 15, 1793.*]

An ACT to incorporate the Plantation of *Bucktown*, or *Number Five*, in the County of *Cumberland*, into a Town by the Name of *Buckfield*.

[This Act passed *March 16, 1793.*]

An ACT for establishing an Academy in the Town of *Plymouth* by the Name of *The Plymouth Academy*.

[This Act passed *March 19, 1793.*]

An ACT to prevent the Destruction of the Fish called *Alewives*, in *Taunton-Great-River* (so called) in the County of *Bristol*, and also to regulate the catching the said Fish therein for the future.

[This Act passed *March 19, 1793.*]

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *Merrimack-River*, in the County of *Essex*, at *Bodwell's-Falls*, between *Andover* and *Methuen*, and for supporting the same. Addit. Acts, Feb. 27, 1796.

[This Act passed *March 19, 1793.*]

An ACT to annex a certain Gore of Land lying on each Side *North-River* (so called) between the Towns of *Shelburne* and *Charlemont*, in the County of *Hampshire*, to the said Towns of *Shelburne* and *Charlemont*.

[This Act passed March 19, 1793.]

An ACT empowering *John Langdon* to erect a Bridge over Part of the River *Piscataqua*, in the County of *York*.

[This Act passed March 22, 1793.]

An ACT to incorporate a Number of the Inhabitants of the Towns of *Rocheſter* and *Middleborough*, in the County of *Plymouth*, and of *Freetown*, in the County of *Bristol*, into a ſeparate Precinct, by the Name of *The Congregational Precinct in Rocheſter, Middleborough and Freetown*.

[This Act passed March 22, 1793.]

An ACT in Addition to an Act, entitled, “An Act for incorporating certain Perſons for the Purpoſe of opening a Canal from the Head of *New-Meadow-River*, to *Merry-Meeting-Bay*.”

[This Act passed March 22, 1793.]

An ACT to incorporate certain Perſons to manage the Funds of the firſt Congregational Society in *Taunton*, in the County of *Bristol*.

[This Act passed March 22, 1793.]

An ACT in Addition to an An Act paſſed in the Year of our LORD One thouſand ſeven hundred and eighty-nine, entitled, “An Act determining what Tranſactions ſhall be neceſſary to conſtitute the Settlement of a Citizen in any particular Town or Diſtrict.”

[This Act passed March 22, 1793. Repealed Feb. 11, 1794.]

An

An ACT for altering and determining the Places of holding the Supreme Judicial Court in the County of *Lincoln*, for the Counties of *Lincoln*, *Hancock* and *Washington*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Supreme Judicial Court appointed by law to be holden at Pownalborough, in the county of Lincoln, for the counties of Lincoln, Hancock and Washington, shall for the future be holden at that part of Pownalborough aforesaid, called Wiscasset, and at Hallowell, in said county of Lincoln, successively and alternately, at the time appointed by law for holding the same. And that the next session thereof shall be at said Wiscasset; any law to the contrary notwithstanding.

Place for holding Court in eastern counties.

[This Act passed March 22, 1793.]

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *Merrimack-River*, between the Towns of *Haverhill* and *Bradford*, in the County of *Essex*, and for supporting the same.

[This Act passed March 22, 1793.]

An ACT for dividing the County of *Suffolk*, and establishing a new County by the Name of *Norfolk*.

Repealed in part, June 20, 1793.

Addit. Act, June 21, 1793. Line altered, Feb. 8, 1798.

Suffolk divided.

Norfolk created with powers, &c.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all the territory of the county of Suffolk, not comprehended within the towns of Boston and Chelsea, from and after the twentieth day of June next, be and hereby is formed and erected into an entire and distinct county, by the name of Norfolk; and Dedham shall be the shire town, till otherwise ordered by the General Court; and the inhabitants of said county of Norfolk shall have and possess, use, exercise and enjoy all the powers, rights and immunities, which by the Constitution and Laws of this Commonwealth, the inhabitants of any county within the same, have, possess, exercise and enjoy, or are entitled to.*

SECT. 2. *And be it further enacted, That there shall be held and kept within the said county of Norfolk, at the shire town thereof, a Court of General Sessions of the Peace, and a Court of Common Pleas, on the last Tuesdays of April and September, yearly; and a Supreme Judicial Court, on the Tuesday next preceding the last Tuesday in August, annually, to commence*

Courts established, and times for holding them.

in

Powers granted to the Justices.

in the year one thousand seven hundred and ninety-four : And the Justices of said Courts of subordinate jurisdiction, when lawfully appointed and commissioned, shall have, hold, exercise and enjoy all the powers and authority which are given and granted to Justices of like Courts, in any other county within this Commonwealth ; and all the aforesaid Courts shall bear the same legal relation to each other, by process of every kind, as the like Courts do in the other counties of this Commonwealth.

Usual forms in choosing County officers to be observed.

SECT. 3. *And be it further enacted*, That the methods and proceedings directed by law for choosing a County Treasurer and Register of Deeds, and the modes, forms and proceedings, known and practised, in bringing forward and trying actions, causes, pleas, or suits, and of originating and conducting legal process of every kind, whether civil or criminal, in the Judicial Courts established in the several counties in this Commonwealth, and for choosing Jurors to serve at said Courts, shall be observed, and put in practice within the said county of *Norfolk* : *Provided*, That the choice of County-Treasurer and Register of Deeds for said county of *Norfolk* shall, for the first time, originate in the same manner as prescribed by law where vacancies happen in said offices by death or resignation.

Proviso.

Law suits, &c.

SECT. 4. *And be it further enacted*, That all writs, suits, and process of every kind, which may, before the said twentieth day of *June*, be depending in any Court, including Probate Courts, within the county of *Suffolk*, shall be heard and tried, proceeded and determined upon, in the county of *Suffolk*, in the same manner as they would have been if this Act had not been made.

where tried.

Deeds executed in *Suffolk* County legal.

SECT. 5. *And be it further enacted*, That all deeds for the conveyance of real estates within the said county of *Norfolk*, which shall be executed prior to the establishment of a Registry of Deeds, and qualification of a Register within said county of *Norfolk*, may be recorded in the Office of the Register of Deeds for the county of *Suffolk*, and shall have the same legal effect and operation as though they were recorded in the Registry of Deeds for the said county of *Norfolk*.

County of *Norfolk* subject to pay back taxes.

SECT. 6. *And be it further enacted*, That the several towns and districts within the said county of *Norfolk*, shall pay their proportions of all county taxes already granted and assessed, in the same manner as they would have done if this Act had not been made ; and shall be holden to pay their proportion of all debts that shall be owing by the county of *Suffolk*, on the said twentieth day of *June* next, after the appropriation of the present outstanding taxes, and be entitled also to their proportion of all property belonging to said county of *Suffolk*, except in the county Court-House, Gaol and Gaol-House, and the land belonging thereto : And said county of *Norfolk* shall be obliged to build and keep in repair all bridges within the said county

to build and maintain bridges.

of

of *Norfolk*, which at this time are chargeable upon the county of *Suffolk*, and perform all other duties and obligations within their limits, which the county of *Suffolk* are now obliged to perform.

SECT. 7. *And be it further enacted*, That if it shall so happen, that any person or persons shall be liable to be committed to prison within the said county of *Norfolk* within two years from the passing of this Act, it shall be lawful to commit such person or persons, by due process, to the common gaol within the county of *Suffolk*; and all processes of law, and the powers of all officers within said county of *Norfolk*, shall be as legal and binding for that purpose as though the same gaol was within the said county of *Norfolk*; and the keeper for said gaol shall be liable for the safe keeping of all prisoners, so committed, in the same manner as though committed by due course of legal proceedings within the county of *Suffolk*; and all prisoners, so committed, shall be entitled to the same benefits and indulgencies as though committed within the said county of *Norfolk*; and all necessary expenses which shall arise in consequence of the commitment of any prisoners from the county of *Norfolk*, shall be defrayed by the same county.

Persons to be committed to gaol in *Suffolk*, for a certain time,

[This Act passed *March 26, 1793.*]

An ACT in Addition to an Act, entitled, “An Act to ascertain the Quality of Pot and Pearl-Ashes, and for the more effectual Inspection of the same,” passed the seventeenth Day of *June*, One thousand seven hundred and ninety-one.

WHEREAS the fees for inspecting Pot and Pearl-Ashes have been found insufficient: Therefore,

Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Inspector of Pot and Pearl-Ashes, or his deputy, shall have and receive, for inspecting the same, the sum of *Five Pence* for every hundred weight so inspected; and also the further sum of *Six Pence* for coopering and nailing each cask and putting the same in shipping order, to be paid by the purchaser.

Fees enlarged.

SECT. 2. *And be it further enacted*, That the said Inspector shall not, in future, receive from any deputy he has, or shall appoint, more than *seven and an half per cent.* on the sum first above mentioned, and no part of the sum allowed for cooperage; any thing in the Act, to which this is an addition, to the contrary notwithstanding.

Inspector limited in a sum.

[This Act passed *March 26, 1793.*]

An ACT for securing the Growth of Wood and Timber in a certain Tract of Woodland situate in the Towns of *Ipswich, Gloucester, Wenham, Beverly and Manchester.*

[This Act passed March 26, 1793.]

An ACT granting Liberty to the Proprietors of *Saco-Bridges* (so called) over *Saco-River*, in the County of *York*, to continue the same, and for regulating the Toll for passing the same.

[This Act passed March 26, 1793.]

An ACT permitting the Inhabitants of that Part of the Town of *Wareham* which was formerly Part of *Rochester*, to take Alewives, with Seines or Dragnets, at a Place called *The Narrows*, in *Wareham-River*, on a certain Day in each Week.

[This Act passed March 26, 1793.]

An ACT to continue an Act, entitled, "An Act for rendering Proceffes in Law less expensive."

[This Act passed March 27, 1793.]

An ACT in Addition to an Act passed the fourth Day of *March*, One thousand seven hundred and ninety, entitled, "An Act to regulate the catching of Salmon, Shad and Alewives, and to prevent Obstructions in *Merrimack-River* and in the other Streams running into the same, within this Commonwealth.

[This Act passed March 27, 1793.]

An ACT for establishing the Dividing-Line between the Towns of *Holden* and *Paxton*, in the County of *Worcester.*

[This Act passed March 27, 1793.]

An ACT to incorporate certain Persons by the Name of *The West Congregational Society in Taunton.*

[This Act passed March 27, 1793.]

An ACT providing for the Support of poor Persons while confined in Gaol, upon Charge or Conviction of Crimes against this Commonwealth.

[This Act passed March 27, 1793. Repealed Feb. 27, 1795.]

An ACT to suspend, in certain Cases, the Operation of an Act passed on the thirteenth Day of February, in the Year of our LORD One thousand seven hundred and eighty-seven, entitled, "An Act for the Limitation of Personal Actions, and for avoiding Suits at Law."

WHEREAS the operation of said Act may defeat many creditors of their just demands, unless a longer time is allowed for commencing and suing actions mentioned in said Act : Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the said Act, passed on the said thirteenth day of February, shall be so far suspended, that all actions of account, and all actions of debt, and upon the case for or upon any promise, lending, or contract, which by the said Act, or any Act suspending the operation of said Act, are limited so as that they cannot be commenced and sued after the first day of June next, shall and may be commenced and sued at any time on or before the first day of December next, and not afterwards ; any law to the contrary notwithstanding. Former Act suspended.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the Secretary shall cause this Act to be printed six weeks successively, in all the newspapers in this Commonwealth. Secretary directed.

[This Act passed March 27, 1793.]

An ACT to incorporate certain Persons by the Name of *The Trustees of Charlestown Free Schools.* Addit. Act, March 4, 1800.

[This Act passed March 27, 1793.]

An ACT for incorporating certain Lands in the Town of Dedham, in the County of Suffolk, into a common Field.

[This Act passed March 27, 1793.]

An ACT for establishing another Term for holding the Courts of Common Pleas and General Sessions of the Peace in the County of *Worcester*.

WHEREAS it has been represented to this Court, that it would be conducive to the interest and convenience of the citizens of the county of *Worcester*, to establish another term for holding the Courts of Common Pleas and General Sessions of the Peace in said county :

Court of
Common Pleas
established.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after passing this Act, there shall be a Court of Common Pleas and a Court of General Sessions of the Peace, holden at Worcester, within and for the County of Worcester, on the second Tuesday of June, annually.

[This Act passed *March 28, 1793.*]

An ACT to incorporate a Number of the Inhabitants of the Town of *Pittston*, in the County of *Lincoln*, into a Parish by the Name of *The Episcopalian Society in Pittston*.

[This Act passed *March 28, 1793.*]

An ACT in Addition to an Act, entitled, “ An Act for incorporating certain Persons for the Purpose of building a Bridge over *Charles’-River*, from the westerly Part of *Boston*, to *Cambridge*, and for extending the Interest of the Proprietors of *Charles-River* Bridge for a Term of Years.”

[This Act passed *March 28, 1793.*]

An ACT in Addition to, and for repealing a certain Clause in an Act passed *March* the twenty-eighth, in the Year of our LORD One thousand seven hundred and eighty-eight, entitled, “ An Act to prevent the Destruction of Alewives, and other Fish, in *Ipswich-River*, and to encourage the Increase of the same.”

[This Act passed *March 28, 1793.*]

An ACT for regulating the opening of Sluice-Ways in the several Mill-Dams on *River-Meadow Brook*, in the Town of *Chelmsford*, and District of *Carlisle*.

[This Act passed *March 28, 1793.*]

An ACT for repealing one Clause, and altering a Dividing Line described in an Act, entitled, "An Act for dividing the Town of *Salisbury*, in the County of *Essex*, into two Parishes."

[This Act passed June 6, 1793.]

An ACT authorizing *Lewis Ansart de Maresquelle* to omit the Addition of *De Maresquelle*, and to be called and known by the Names of *Lewis Ansart*.

[This Act passed June 6, 1793.]

An ACT for the Encouragement of the Glass Manufactory within this Commonwealth.

WHEREAS it is of great importance that useful Manufactures should be encouraged and promoted within this Commonwealth; and it appearing to this Court that *William Phillips*, *Thomas Walley*, *Jonathan Amory*, *William Tudor*, *Charles Jarvis*, *John Andrews*, and their associates, have expended *Six Thousand Pounds*, in erecting suitable works, and procuring qualified workmen from *Europe*, for the purpose of manufacturing Glass within the town of *Boston*; and it clearly appearing to this Court, that the said undertaking will be of public advantage: Therefore,

Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That they, the said *William Phillips*, *Thomas Walley*, *Jonathan Amory*, *William Tudor*, *Charles Jarvis* and *John Andrews*, and their associates, heirs and assigns, shall have and enjoy, at such place or places within this Commonwealth, and in such manner as they shall agree upon, the sole and exclusive right of manufacturing all sorts of Window and Plate Glass, within this Commonwealth, for and during the full term of ten years from the date of this Act.

Exclusive privilege of making glass granted to certain persons for a term.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the said *Phillips*, *Walley*, *Amory*, *Tudor*, *Jarvis* and *Andrews*, and their associates, shall have the further sole and exclusive right of manufacturing all sorts of hollow Glass-Ware, for the same term of ten years: *Provided nevertheless,* That they shall, within three years from the date of this Act, manufacture of such hollow Glass-Ware, including bottles of all sorts, to the amount of *One Thousand Pounds*, and shall continue annually to manufacture of such hollow glass ware and bottles to the value of *One Thousand Pounds*, as aforesaid; otherwise this exclusive right, hereby granted, shall cease, so far as relates to such hollow ware and bottles, and be and remain to said Proprietors only, as an exclusive right to them

Further privilege.

Proviso.

and

and their associates, for manufacturing Window and Plate Glafs, as aforefaid.

Lands and
buildings ex-
empt from
taxation.

SECT. 3. *And be it further enacted by the authority aforefaid,* That the land and buildings actually occupied in carrying on the faid Manufacture, fhall be and hereby are exempted from taxation for the term of five years from and enfuing the paffing of this Act.

Workmen ex-
empted from
military duty.

SECT. 4. *And be it further enacted by the authority aforefaid,* That all the artificers, and workmen of every kind, employed in the faid Manufacture, be and they hereby are exempted from all military duties, during the time that they fhall be employed in the faid Manufactory.

Persons forbid
making Glafs
without the
confent of the
Proprietors.

SECT. 5. *And be it further enacted by the authority aforefaid,* That no perfon fhall, from and after the paffing of this Act, and during the faid term of ten years, manufacture any kind of Window or Plate Glafs, or Glafs-Ware, without the confent and license of the faid *Phillips, Walley, Amory, Tudor, Jarvis,* and *Andrews*, their associates and affigns, or the major part of them, firft had and obtained for that purpofe; and every perfon fo offending fhall forfeit and pay the fum of *Five Hundred Pounds* for each offence; to be recovered in an action of debt, in any Court proper to try the fame, by the faid *Phillips, Walley, Amory, Tudor, Jarvis* and *Andrews*, their heirs, associates and affigns, or by any one or more of them, to the ufe of them, their heirs, associates and affigns: *Provided*, and this Act is upon this condition, That the Proprietors of the faid Manufacture fhall employ annually, over and above what they have already expended, a fum not lefs than *Two Thoufand Pounds* each and every year, during the term aforefaid, in the manufacture of Window or Plate Glafs, as aforefaid.

Penalty,
how recovered.

Proviso.

Premium for
making a cer-
tain quantity
of good Glafs;
with

Provisos.

SECT. 6. *And be it enacted by the authority aforefaid,* That there be allowed and paid out of the treasury of this Commonwealth to the Proprietors of the faid Glafs-Works and Manufacture, the fum of *Six Pence* for each and every fhcet of merchantable Window-Glafs equal in quality to Britifh Crown-Glafs; *Provided*, That each of fuch fhets fhall be at leaft thirty-fix inches in diameter; and *Provided*, That fuch bounty fhall not be paid on a greater number than ten thoufand fhets, annually, during three years from the paffing this Act, fo as to make thirty thoufand fhets in the whole: And this bounty fhall continue and be allowed for three years from the paffing of this Act, under the limitation, and on the condition before expreffed: *Provided*, The faid Proprietors fhall annually manufacture, at leaft, four thoufand fhets of fuch Window-Glafs. And the Governor, with the advice of Council, upon fatisfactory proof being exhibited by faid Proprietors of fuch number of whole fhets of Glafs being manufactured as is provided by this Act, is hereby empowered to draw his warrant upon the Treafurer of this Common-wealth

wealth for the payment of the bounty aforesaid; and said Treasurer is hereby authorized to pay the same to said Proprietors accordingly.

[This Act passed June 15, 1793.]

An ACT in Addition to an Act, entitled, “An Act for the establishing another Term for holding Courts of Common Pleas and General Sessions of the Peace in the County of *Worcester*,” passed *March* twenty-eighth, Seventeen hundred and ninety-three.

[This Act passed June 17, 1793.]

An ACT for establishing an Academy in the Town of *Westfield*, in the County of *Hampshire*, by the Name of *Westfield Academy*.

[This Act passed June 17, 1793.]

An ACT for incorporating the east Precinct of the Town of *Yarmouth*, in the County of *Barnstable*, into a separate Town by the Name of *Dennis*.

[This Act passed June 19, 1793.]

An ACT to incorporate the Inhabitants of a Plantation known by the Name of *Number Four*, into a Town by the Name of *Paris*.

[This Act passed June 20, 1793.]

An ACT repealing Part of an Act, entitled, “An Act for dividing the County of *Suffolk*, and establishing a new County by the Name of *Norfolk*,” passed *March* twenty-sixth, Anno Domini One thousand seven hundred and ninety-three.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the aforesaid Act, so far as it respects the towns of *Hingham* and *Hull*, is hereby repealed, and made null and void.

Act repealed,
in part.

[This Act passed June 20, 1793.]

An

An ACT in Addition to an Act, entitled, "An Act for incorporating that Part of the Town of *Swanzey* known by the Name of *Sherwamet-Purchase*, in the County of *Bristol*, into a separate Town by the Name of *Somerset*."

[This Act passed June 20, 1793.]

An ACT to incorporate the Parish of *Ipswich-Hamlet* (so called) in the Town of *Ipswich*, in the County of *Essex*, with certain other Inhabitants and Estates, into a separate Town and Parish, by the name of *Hamilton*.

[This Act passed June 21, 1793.]

An ACT in Addition to an Act, entitled, "An Act for dividing the County of *Suffolk*, and establishing a new County, by the Name of *Norfolk*."

[This Act passed June 21, 1793.]

An ACT in Addition to an Act, entitled, "An Act for incorporating *Jonathan Davis*, and others, for the Purpose of building a Bridge over *New-Meadow-River*."

[This Act passed June 21, 1793.]

An ACT for altering an Act, entitled, "An Act incorporating the Honorable *John Worthington*, Esquire, and others therein named, for the Purpose of rendering *Connecticut-River* passable for Boats and other Things, from the Mouth of *Chickapee-River*, northward throughout this Commonwealth, by the Name of *The Proprietors of Locks and Canals on Connecticut-River*."

[This Act passed June 21, 1793.]

An ACT for regulating and governing the Militia of the Commonwealth of *Massachusetts*, and for repealing all Laws heretofore made for that Purpose, excepting an Act, entitled, "An Act for establishing Rules and Articles for governing the Troops stationed in Forts and Garrisons within this Commonwealth, and also the Militia when called into actual Service."

Addit. Acts,
Feb. 24, 1796,
March 4, 1800,
as to the sur-
con's certificate
and appeal.

WHEREAS the Laws for regulating and governing the Militia of this Commonwealth have become too com-
 Preamble.
 plicate for practical use, by reason of the several alterations which have from time to time been made therein: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the several Laws heretofore made for governing
 Laws repealed.
 and regulating the Militia, be and hereby are repealed, except an Act, entitled, "An Act for establishing Rules and Articles for governing the Troops stationed in Forts and Garrisons within this Commonwealth, and also the Militia when called into actual service."

Provided nevertheless, That all officers actually in commis-
 Proviso.
 sion, agreeably to the laws which are hereby repealed, and in grades which are established by this Act, shall continue in commission in the same manner, and in the same authority they would in case the said laws were still in force; and all actions depending in any Court, by force of said laws, shall and may be prosecuted to final judgment and execution.

SECT. 2. *And be it enacted by the authority aforesaid,* That
 Persons to be
 each and every free, able-bodied white male citizen of this, or enrolled in the
 Militia.
 any other of the United States, residing within this Common-
 wealth, who is or shall be of the age of eighteen years, and under the age of forty-five years (except as is herein after excepted) shall severally and respectively be subject to the requisitions of this Act, and shall be enrolled in the Militia, by the Captain or Commanding Officer of the company, within whose bounds such citizens shall reside, within three months from and after the passing this Act: And it shall be, at all times hereafter, the duty of the Commanding Officer of every such company, to enrol every such citizen as aforesaid; and also those who shall, from time to time, arrive at the age of eighteen years; or being of the age of eighteen years, and under the age of forty-five years, and not herein after excepted, shall come to reside within his bounds; and shall, without delay, notify such citizen of the enrolment, by a non-commissioned Officer, or other person duly authorized for that purpose, by whom such notice may be proved; and in all cases of doubt respecting the age of any person enrolled, or intend-
 To be notified.
 ed

ed to be enrolled, the party questioned shall prove his age to the satisfaction of the Commanding Officer of the company within whose bounds he may reside.

Persons ex-
empted from
training.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the Vice-President of the United States ; Members of Congress, of both Houses, with their respective Officers ; Lieutenant-Governor ; Members of the Council, Senate and House of Representatives, with their Officers ; Secretary and Treasurer of the Commonwealth ; Officers, Judicial and Executive, of the Government of the United States ; Justices of the Supreme Judicial Court ; Justices of the Courts of Common Pleas ; Judges of Probate ; Registers of Probate ; County-Registers ; Justices of the Peace ; Sheriffs ; Deputy-Sheriffs ; Coroners ; Constables ; Selectmen ; Ministers of the Gospel ; Elders and Deacons of Churches ; Church-Wardens, and those of the religious denominations of Quakers and Shakers ; Masters of Arts ; Officers and Students at any College ; also such Physicians, Surgeons, stated School-Masters, Ferry-men and Millers, as the Selectmen of the towns to which they shall severally belong, shall, by a writing under their hands, signify the expediency of exempting ; persons who have by commission under any government or Congress, or by election in pursuance of the orders of any Congress of the United States, or either of them, held the office of a Subaltern or office of higher rank ; and all Mariners actually employed in any sea-service of any citizen within the United States, in any vessel of more than thirty tons burthen ; Custom-House-Officers ; all Post-Officers, Stage-Divers actually employed in the care and conveyance of the Mail ; and such persons as did attain to the age of forty years before the eighth day of May, one thousand seven hundred and ninety-three ; and also all such Manufacturers as are by any special law of the Commonwealth now exempted, shall be and hereby are exempted from the said enrolment.

Arrangement
of the Militia.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the Governor, by and with the advice of the Council, be and hereby is authorized and empowered to form and arrange the Militia into divisions, brigades, regiments and companies ; and from time to time to make such alterations therein as shall be necessary ; and if the same be convenient, each brigade shall consist of four regiments, each regiment of ten companies, and each company of sixty-four effective privates : *Provided notwithstanding,* That the present arrangement of the Militia shall continue as it now is, until the Governor, with the advice of Council, shall otherwise order ; and each new division, brigade and regiment shall be numbered at the formation thereof, and a record made of such number in the Adjutant-General's office, and when in the field or in service, each division, brigade and regiment shall respectively take rank according to its number.

Proviso.

SECT.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the Militia shall be officered as follows : To each division, one Major-General and two Aids-de-Camp, with the rank of Major : To each brigade, one Brigadier-General, with one Brigade-Inspector, to serve also as Brigade-Major, with the rank of Major : To each regiment, one Colonel, one Lieutenant-Colonel, one Major. *Provided nevertheless,* Where any vacancy of Colonel now is, or shall hereafter happen, then the field-officers of each regiment to consist of a Lieutenant-Colonel-Commandant, and two Majors : To each company of infantry, one Captain, one Lieutenant, and one Ensign, four Serjeants, four Corporals, one Drummer, one Fifer or Bugler : That there shall be a Regimental Staff, to consist of one Adjutant, one Quarter-Master, to rank as Lieutenants, one Surgeon, and one Surgeon's Mate, to be appointed by the Commanding Officer of the regiment, and commissioned by the Governor, one Serjeant-Major, one Quarter-Master-Serjeant, one Drum-Major, and one Fife-Major : That each company of artillery shall consist of one Captain, two Lieutenants, four Serjeants, four Corporals, six Gunners, six Bombadiers, one Drummer, one Fifer, and thirty-two Privates or Matrosses : And each troop of cavalry shall consist of one Captain, two Lieutenants, and one Cornet, four Serjeants, four Corporals, one Saddler, one Farrier, one Trumpeter, and thirty-two Privates : And there shall be one Adjutant-General and one Quarter-Master-General for the whole Militia, to be appointed by the Governor.

Manner of
officering the
Militia.

Proviso.

SECT. 6. *And be it further enacted by the authority aforesaid,* That each and every Major-General be and hereby is empowered, and it shall be his duty, to give all such orders as shall, from time to time, be necessary, consistent with the law for electing Brigadier-Generals, Field-Officers, Captains and Subalterns, in brigades, regiments and companies, within his respective division, which have not been already commissioned, and for filling up vacancies of such Officers, or any of them, where they now are, or may hereafter happen. *Provided always,* That whenever a time shall be appointed for the election of any Officer or Officers, the electors shall have ten days notice thereof, at least ; and all returns of elections, and neglects, or refusals to make choice of Officers, shall be made to the Governor by the Major-General, in whose division the election shall be ordered ; and all commissions shall pass through the hands of the Major-Generals to the officers in their respective divisions, for whom they shall be made out ; and every person who shall be elected to any office in the said Militia, and shall not within ten days after he shall have been notified of his election (excepting a Major-General, who shall be allowed thirty days after he shall be notified by the Secretary of the Commonwealth) signify his acceptance thereof,

Major General
empowered in
election of Of-
ficers.

Proviso.

shall

shall be considered as declining to serve in such office ; and orders shall be forthwith issued for a new choice.

All Officers
to subscribe
the oath.

SECT. 7. *And be it further enacted by the authority aforesaid,* That every person who shall be lawfully entitled to be commissioned to any office in the Militia of this Commonwealth, shall, at the time of receiving his commission, take and subscribe the oaths and declaration required by the Constitution, before some Justice of the Peace, or some General or Field-Officer, who shall have previously taken and subscribed them himself, and who are hereby authorized to administer the same ; and a certificate thereof shall be made upon the back of every commission, by the Justice of the Peace, or General or Field-Officer, before whom the said oaths and declaration shall have been taken and subscribed.

Non-commis-
sioned Officers,
by whom ap-
pointed.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the Commanding Officers of regiments shall appoint the non-commissioned Staff-Officers of their respective regiments : The Commanding Officers of companies shall appoint the non-commissioned Officers, including the Clerks of the respective companies : All non-commissioned Staff-Officers and Serjeants shall receive warrants under the hand of the Commanding Officer of their respective regiments or corps :—And the Adjutant shall keep a record in a suitable book, to be kept for that purpose, of all warrants which shall be issued :—And no non-commissioned Officer shall be deemed to have resigned his office, until he shall have done it in writing to the Commanding Officer of the regiment or corps to which he belonged ; and shall have obtained his discharge also, in writing, from such Commanding Officer :—And no non-commissioned Officer or Private, shall be disenrolled from the Militia for disability, without a certificate from the regimental Surgeon and Mate.

Resignations
to be given
in writing.

Clerks to be
appointed.
Their duty.

SECT. 9. *And be it further enacted by the authority aforesaid,* That every company shall have a Clerk, who shall be also one of the Serjeants, and he shall be sworn to the faithful discharge of his trust ; and it shall be his duty always to keep a fair and exact roll of the company, together with the state of the arms and equipments belonging to each man, which roll he shall annually revise, in the month of *May*, as is herein after directed ; to register all orders and proceedings of the company in an orderly book, which shall never be alienated from the company ; to keep exact details of all detachments ; to call the roll whenever the company is assembled ; to examine the equipments when thereto required, and to note all delinquencies ; to sue for, recover and receive all fines and forfeitures which are required by this Act to be recovered, one half to his own use for his trouble, and the other half to be paid to the Commanding Officer of the company, in trust, for the use of the company to which he belongs, excepting such

Empowered
to sue.

Appropri-
ations.

such cases wherein other provision is made by this Act for the recovery and appropriation of fines and forfeitures.

Provided nevertheless, That all commissioned Officers now in command in the Militia, in any grade not established by this Act, shall be continued in their command ; and the Clerks of companies, now in office, shall be continued in such office. Proviso.

SECT. 10. *And be it further enacted by the authority aforesaid,* That whenever a company shall have neither commissioned Officers nor non-commissioned Officers, the Commanding Officer of the regiment or battalion to which such company belongs, shall appoint suitable persons within said company to be non-commissioned Officers and Clerk of the same ; and such non-commissioned Officers and Clerk, so appointed, shall be authorized in the same manner, and have the same power and authority as if they had been appointed by a Captain duly qualified to command said company. Non-commissioned Officers appointed, in case.

SECT. 11. *And be it further enacted by the authority aforesaid,* That no Officer of the Militia shall be discharged excepting by the Commander in Chief, on the request of such Officer, in writing, or by the Commander in Chief on the address of both Houses of the Legislature ; or by being disbanded by a law of the Commonwealth, or by a judgment of a Court-Martial, or by actual removal (the Major-General to be judge whether the distance is so great that he cannot conveniently discharge the duties of his office) or by twelve months absence, without leave of such Officer, from the district of his command : And no Officer shall consider himself exempted from the duties of his station, until he shall have been discharged in one or other of the methods aforesaid : And if by the Commander in Chief, not until he shall have received a certificate of such discharge : No Officer shall be allowed to resign his commission when under arrest ; and no General or Field-Officer shall approve the resignation of any other Officer, until such Officer shall have lodged in his hands all such Militia laws and orderly books as he shall have been furnished with by the Government ; and such General or Field-Officer shall deliver the laws and orderly books which he shall thus have received, to the next succeeding Officer who shall be commissioned in the place of him who shall have resigned. Prohibitions.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the Governor, with the advice of Council, be and hereby is authorized to complete the cavalry in each brigade of the Militia, to two full companies or troops ; and the cavalry in each brigade, when completed, shall be formed into battalions or squadrons ; in those brigades where there are or may be two or three troops, they shall form squadrons, and each squadron shall be commanded by a Major ; in those brigades where there are already more than three troops, they shall form battalions, and each battalion shall be entitled to a Lieutenant-Colonel, Cavalry organized.

Provisos.

Officers and men to furnish themselves complete with horses and every other equipment.

tenant-Colonel, Major, Adjutant and Quarter-Master : *Provided always*, That in those brigades where there are already two troops raised, they shall not be augmented ; and in those brigades where there are already more than two troops, they shall not be reduced. *Provided also*, That the companies of cavalry which are, by any former Act, annexed to any regiment, shall continue to be so attached to such regiment in which it is raised. The Officers of cavalry shall furnish themselves with good horses, at least fourteen hands and a half high ; and shall be armed with a pair of pistols, and sword, the holsters of which shall be covered with bearskin caps : Each horseman shall furnish himself with a serviceable horse, of at least fourteen hands and a half high ; a good saddle, bridle, mailpillion and valise ; holsters, a breast plate, and crupper ; a pair of boots and spurs ; a pair of pistols ; a sabre, and cartridge box, to contain twelve cartridges for pistols. No man shall be enlisted into any troop of cavalry, unless he shall own and constantly keep a suitable horse and furniture, for that service ; and if any man who shall belong to any troop of cavalry shall be destitute of a suitable horse and furniture for more than three months at one time, he shall be discharged from such corps, and enrolled in the standing company in which he resides. And whenever any draft or detachment shall be made from a troop of cavalry for actual service, the men thus drafted or detached shall march with their own horses ; and before they march, the horses shall be appraised by three indifferent men, to be appointed by the Brigadier of the brigade from which such detachment shall be made.

Artillery organized.

Proviso.

--- to be provided with complete apparatus.

Quarter-Master-General to furnish.

SECT. 13. *And be it further enacted by the authority aforesaid*, That the Governor, with the advice of Council, be and hereby is authorized to complete the artillery in each brigade of the Militia, to two full companies ; and when thus completed, shall form a battalion in each brigade, and be entitled to a Major, Adjutant and Quarter-Master. *Provided nevertheless*, That in those brigades where there are already two companies raised, they shall not be augmented ; and in those brigades where there are already more than two companies, they shall not be reduced. And each company of artillery shall be provided with two good field-pieces, with carriages and apparatus complete ; an ammunition cart ; forty round shot, and forty rounds of cannister shot. The Governor shall order to be issued to each company of artillery, annually, a quantity of powder not exceeding one hundred pounds, which shall be expended on general muster-days, and in experimental gunnery. And the Quarter-Master-General shall provide for, and supply the artillery companies with all the carriages, tumbrils, harness, apparatus, implements, laboratory and ordnance stores which may, from time to time, be necessary for their equipment.

ment. The Officers of artillery shall be armed with a sword or hanger ; a fusée, bayonet and belt, with a cartridge-box to contain twelve cartridges : And each non-commissioned Officer and Private or Matros, of those companies which are unprovided with field-pieces, shall furnish himself with all the equipments of a Private in the infantry until proper ordnance and field-artillery is provided. And the Commanding Officers of each company of artillery shall be accountable for the careful preservation of the pieces and apparatus, and the proper expenditure of the ammunition supplied by Government. Each company of artillery, and troop of cavalry, shall be formed of volunteers from the brigade ; and together, they shall not exceed in number one eleventh part of the infantry of such brigade ; and they shall be uniformly clothed in regimentals, to be furnished at their own expense.

Commanding
Officer to be
accountable.

Artillery and
cavalry to be
formed of vol-
unteers.

SECT. 14. *And be it further enacted by the authority aforesaid,* That at all regimental musters, the companies commanded by the two eldest Captains shall act as light-infantry companies ; except where light-infantry companies have already been raised by voluntary enlistment, and one or more shall be attached to such regiment.

Light-Infantry
companies.

SECT. 15. *And be it further enacted by the authority aforesaid,* That if any non-commissioned Officer or Private of cavalry, artillery, light-infantry, or other corps raised at large, shall neglect, for the term of three months, to keep himself provided with an uniform of the company to which he belongs, as is directed by this Act, he shall be discharged from such corps, by the Brigadier commanding the brigade, and enrolled in the standing company in which he resides. And no company of cavalry, artillery, light-infantry, or other corps which it may be lawful to raise at large, shall be raised within this Commonwealth when any of the standing companies will be reduced thereby to a less number than sixty-four effective Privates ; and no Officer of any such corps shall enlist any men belonging to a standing company, for the purpose of forming or recruiting such corps raised at large, when, by means thereof, such standing company would be reduced to a less number than sixty-four effective Privates. And if any such corps, raised at large, shall at any time be destitute of commissioned Officers, and shall neglect to fill up such vacancies for one whole year after being ordered to elect them, or if any such corps shall be reduced under twenty Privates, and remain in that situation for one whole year without doing duty as the law directs ; then, in either case as aforesaid, such corps raised at large shall be deemed disbanded, and the men which belonged to such delinquent corps, shall be enrolled in the standing company in which the individuals thereof shall respectively reside : And no such corps, raised at large, shall, at any time, bear a greater number of men on their rolls than the law al-

Penalty.

No corps to be
raised at large
which will re-
duce standing
companies to
a limited num-
ber.

----- to be
deemed dis-
banded in case.

----- not to
consist of a
greater num-
ber than legal.

laws necessary to constitute them ; and the Commanding Officer of every such corps shall annually, in the month of *April*, make out a list of all the men's names belonging to his corps, and deliver the same to the Commanding Officer of the Regiment or battalion, in whose district such corps is or may be raised ; and all such corps raised at large, not annexed to any particular regiment, shall be subject to the orders of the Commanding Officer of the brigade in which they shall respectively be raised, and shall make their elections and returns in the same manner as other corps of the Militia.

Ancient and
Honourable
Artillery
Company,

And whereas the military company in *Boston*, commonly called the "*Ancient and Honorable Artillery Company*," being by ancient charter, custom and usage, exempted from the general regulations of the Militia : Therefore,

----- to re-
tain privileges.

SECT. 16. *Be it further enacted by the authority aforesaid*, That the said company, called the "*Ancient and Honorable Company of Artillery*," shall retain its accustomed privileges, not being incompatible with the Constitution, but shall be subject to all other duties required by this Act, in like manner as other companies of Militia.

Officers, how
to be armed
and uniformed.

SECT. 17. *And be it further enacted by the authority aforesaid*, That every commissioned Officer of infantry, whose duty shall require him to serve on foot, shall be armed with a sword and an esponton ; and every Officer whose duty requires him to be mounted, shall be armed with a sword and pair of pistols : And the uniform in every instance required by this Act, shall be a dark blue cloth coat, of such fashion, and with such facings, and under-clothes, as the Major-Generals or Brigadiers shall direct within their several commands.

Necessary arti-
cles of equip-
ment.

SECT. 18. *And be it further enacted by the authority aforesaid*, That every non-commissioned Officer and Private of the infantry shall constantly keep himself provided with a good musket, with an iron or steel rod, a sufficient bayonet and belt, two spare flints, a priming-wire and brush, and a knapsack ; a cartridge-box, or pouch with a box therein, to contain not less than twenty-four cartridges, suited to the bore of his musket ; each cartridge to contain a proper quantity of powder and ball ; or with a good rifle, knapsack, shot-pouch, powder-horn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder : And shall appear so armed, accoutred and provided, whenever called out, except that when called out to exercise only, he may appear without a knapsack, and without cartridges loaded with ball. *Provided always*, That whenever a man appears armed with a musket, all his equipments shall be suited to his musket ; and whenever a man appears armed with a rifle, all his equipments shall be suited to his rifle : And that from and after five years from the passing of this Act, all muskets for arming the Militia, as herein required, shall be of bores sufficient for balls of the eighteenth part of a pound :

Proviso.

And

And every citizen enrolled and providing himself with the arms, ammunition and accoutrements, required as aforesaid, shall hold the same exempted from all suits, distresses, executions or sales for debt, or for payment of taxes.

SECT. 19. *And be it further enacted by the authority aforesaid,* That every non-commissioned Officer or Private of the infantry, who shall neglect to keep himself armed and equipped as aforesaid, or who shall on a muster-day, or at any other time of examination, be destitute of, or appear unprovided with the arms and equipments herein directed (except as before excepted) shall pay a fine not exceeding *Twenty Shillings*, in proportion to the articles of which he shall be deficient, at the discretion of the Justice of the Peace, before whom trial shall be had: And all parents, masters and guardians, shall furnish those of the said Militia who shall be under their care and command, with the arms and equipments aforementioned, under the like penalties for any neglect: And whenever the Selectmen of any town shall judge any inhabitant thereof, belonging to the Militia, unable to arm and equip himself in manner as aforesaid, they shall, at the expense of the town, provide for and furnish such inhabitant with the aforesaid arms and equipments, which shall remain the property of the town at the expense of which they shall be provided; and if any Soldier shall embezzle or destroy the arms and equipments with which he shall be so furnished, he shall, upon conviction before some Justice of the Peace, be adjudged to replace the article or articles which shall by him be so embezzled or destroyed, and to pay the cost arising from the process against him: And if he shall not perform the same within fourteen days after such adjudication, it shall be in the power of the Selectmen of the town to which he shall belong, to bind him out to service or labour, for such term of time as shall, in the discretion of the said Justice, be sufficient to procure a sum of money equal to the value of the article or articles so embezzled or destroyed, and pay cost arising as aforesaid.

SECT. 20. *And be it further enacted by the authority aforesaid,* That every person liable to do military duty, who being duly warned, shall refuse or neglect to appear at the time and place appointed, armed and equipped as by this Act is directed, for any muster, training, view of arms, or other military duty, shall pay, as a fine for such default, the sum of *Ten Shillings*: And every person who shall appear at any muster with his arms in an unfit condition, shall pay a fine of *Three Shillings* for each and every such default: *Provided nevertheless,* It shall be lawful for the Commanding Officer of a company, at any time within eight days after any muster, training, view of arms, or other duty, to excuse any person for non-appearance, on the delinquent's producing to him satisfactory evidence of his inability to appear as aforesaid; and the Commanding Officer of

Arms, &c. to be exempted from suits.

Fine for neglect.

Parents and Masters to equip their children and servants. Persons unable, to be furnished by the town.

Penalty, in case.

----- for not appearing on muster-days.

Proviso.

the company shall certify the same to the Clerk within the time above mentioned, and the Clerk shall not thereafter commence any prosecution against such delinquent for his fine for non-appearance, as aforesaid.

Clerk to
notify.

Manner of
notification.

Penalty.

Companies
destitute of
commissioned
Officers, how
warned.

Proviso.

SECT. 21. *And be it further enacted by the authority aforesaid,* That whenever the Commanding Officer of a company shall think proper to call his company together, or shall be ordered by his superior Officer to do it, he shall issue his orders therefor to one or more of the non-commissioned Officers, if there be any; if not, to one or more of the Privates belonging to his company, directing him or them to notify and warn the said company to appear at such time and place as shall be appointed; and every such person or persons, who shall receive such orders, shall give notice of the time and place appointed for assembling said company, to each and every person he or they shall be so ordered to warn, either by verbal information, or by leaving a written or printed notification thereof, at the usual place of abode of the person thus to be notified and warned; and no notice shall be deemed legal for musters for the purpose of common and ordinary trainings, unless it shall be given four days at least previous to the time appointed therefor; but in case of invasion, insurrection or other emergency, any time specified in the orders shall be considered as legal; and every non-commissioned Officer, or other person, who shall neglect to give the said notice and warning, when ordered thereto by the Commanding Officer of the company to which he belongs, shall, for such offence, forfeit and pay, as a fine, a sum not exceeding *Forty Shillings* nor less than *Twelve Shillings*, at the discretion of the Justice of the Peace before whom trial shall be had; and the testimony of any person under oath, who shall have received orders agreeable to law, for notifying and warning any company, or part thereof, to appear at a time and place appointed for any muster, view of arms, or other military duty, shall be sufficient to prove due notice was given to the party against whom complaint may be made, unless such testimony shall be invalidated by other sufficient evidence: And whenever a company shall be destitute of commissioned Officers, and the Commanding Officer of the regiment or battalion to which such company belongs, shall think proper to call out such company, he shall direct his orders to one or more of the non-commissioned Officers of said company, who shall have full power and authority to warn, assemble, lead, order, exercise and govern said company, conformably to the orders which he or they shall thus receive from their superior Officer for that purpose: *Provided always,* When in regiment or battalion, it shall be lawful for the Commanding Officer present to order a commissioned Officer to command such company, while acting in conjunction with other corps.

SECT.

SECT. 22. *And be it further enacted by the authority aforesaid,* That every non-commissioned Officer and Private of the Militia, who shall be disorderly or disobedient, or guilty of unmilitary conduct on a muster or training day, or at any other time when on duty, shall be confined during the time of said muster or training, at the discretion of his Officers, and shall pay a fine not exceeding *Forty Skillings* nor less than *Twelve Skillings*, at the discretion of the Justice of the Peace to whom complaint shall be made.

Penalty,
for disorderly
behaviour.

SECT. 23. *And be it further enacted by the authority aforesaid,* That whenever any non-commissioned Officer or Private in the Militia shall forfeit any sum of money, set and affixed to any default or offence, by this Act, of the sum of *Four Pounds*, or under, the same shall be recovered in the manner following; *that is to say*: The Clerk of the company to which the offender belongs, shall, after the expiration of eight days, and within sixty days after the offence shall have been committed, make complaint thereof, and of all matters of substance, and material circumstances attending the same, to some Justice of the Peace in the county where such offender shall live, who shall make record thereof, and shall issue a summons to the party complained of, to be served seven days at least before the time appointed for the trial, in the form following, *mutatis mutandis*.

Fines,
how recovered.

— ff.

(Seal.) TO the Sheriff of the said county, or his deputy, or either
of the Constables of the town of within the
same county, GREETING.

IN the name of the Commonwealth of *Massachusetts*, you Form of the
are hereby required to summon C. D. of in the summons.
county of to appear before me, E. F. one of the
Justices of the Peace for the county aforesaid, at in
on the day of
at of the clock, in the noon, then and there
to shew cause, if any he has, why a warrant of distress shall
not issue against him. [*Here insert the complaint.*] Hereof fail
not, and make due return of this writ, and of your doings
therein, unto myself, at or before the said day of
Dated at aforesaid, the
day of in the year of our LORD

E. F. Justice of the Peace.

And when the said party shall by himself, or his Attorney, appear accordingly, he may plead the general issue and give any special matter in evidence; and if the said party shall make default, or if judgment shall be given against him, and he shall neglect, for four days thereafter, to satisfy the same with legal costs, then the Justice of the Peace before whom

trial shall be had, shall issue his warrant of distress, under his hand and seal, in the form following :

_____ ff.

(Seal.) *TO the Sheriff of the said county, or his deputy, or any or either of the Constables of the town of _____ within the same county,*

GREETING.

Form of the
warrant of
distress.

WHEREAS *C. D.* of _____ upon the _____ day of _____ being a private Soldier in the Train-Brand, (as the case may be) of the company of foot, commanded by _____ in the regiment of Militia, in the said county of _____ commanded by _____ was duly notified to appear upon the _____ day of _____ in the town of _____ in the county aforesaid, with his arms and equipments, as the law of this Commonwealth directs ; and the said *C. D.* in violation of the said Law, did unnecessarily neglect to appear (or did not appear armed and equipped, as the case may be) whereby he hath forfeited and ought to pay the sum of _____ *Shillings*, to the uses directed by law ; and the said *C. D.* having been duly summoned to appear before me, *E. F.* one of the Justices of the Peace for the county aforesaid, to shew cause, if any he had, why a warrant of distress should not be issued for the same sum, did not appear (or appearing, did not shew sufficient cause why the same warrant should not be issued, as the case may be) in the name of the Commonwealth of *Massachusetts*, you are therefore commanded forthwith, of the goods or chattels of the said *C. D.* within your precinct, to levy by distress and sale thereof the aforesaid sum of _____ *Shillings*, with _____ for charges of suit, being in the whole the sum of _____ and to pay the same to _____ Clerk of the aforesaid company ; and also of the goods or chattels of the said *C. D.* to levy _____ for this writ, together with your own fees ; and for want of such goods or chattels of the said *C. D.* to be by him shewn to you, or found within your precinct, you are commanded to take the body of the said *C. D.* and him commit to the common gaol in _____ in the county aforesaid ; and the keeper thereof is hereby commanded to receive the said *C. D.* into the said gaol, and him safely keep until he shall pay the sum aforesaid, together with legal fees and costs, or until he shall be otherwise discharged by order of law ; and you are to make return of this warrant, with your doings therein, unto myself, within twenty days next coming, for which this shall be your sufficient warrant. Hereof fail not.

Given under my hand and seal the _____ day of _____ in the year of our LORD

E. F. Justice of the Peace.

Companies to
be mustered at
stated times for
examination.

SECT. 24. *And be it further enacted by the authority aforesaid,* That every Captain or Commanding Officer of a Company, shall call his company together three days in each year for company-discipline ;

discipline; and once on the first Tuesday of *May*, annually, for the express purpose of examining and taking an exact account of every man's arms and equipments; at which time every article required by this Act, shall be brought to the place of examination; and it shall be the duty of the Clerk, or, in his absence, of some other person to be appointed on the occasion, for the time only, by the Commanding Officer, for that purpose, to make out an exact roll of the company, and set against every man's name the arms and equipments which shall belong to him: And every Commanding Officer of a company shall constantly keep by him a roll, with the arms and equipments of every man annexed to his name as aforesaid, from which all detachments shall be regularly detailed, and the annual return of the company made: and the said roll shall be annually revised, corrected and completed, on the first Tuesday in *May*, as aforesaid: And every person liable to do duty in the Militia, who shall be absent at the examination or view of arms in the month of *May*, as aforesaid, and shall not send his arms and equipments to be examined at the time and place appointed, he shall be fined for every article required in this Act, not so brought or sent to be examined, as is herein before directed, besides the sum of *Ten Shillings* for non-appearance, as aforesaid.

Commanding Officers to keep a roll.

Fines, in case of neglect.

SECT. 25. *And be it further enacted by the authority aforesaid*, That every Captain or Commanding Officer of a company shall make a return of the state of his company, comprehending every man belonging to said company, with all the arms and equipments belonging to them, to the Commanding Officer of the regiment, in the month of *May*, annually: Every Commanding Officer of a regiment shall make a return of the state of his regiment, to the Brigadier, in the month of *June*, annually: And every Commanding Officer of a brigade shall make out duplicate returns of his brigade, one of which he shall transmit to the Major-General of the division to which he belongs, and the other to the Adjutant-General of the Commonwealth, in the month of *July*, annually.

Commanding Officers to make regular returns annually.

SECT. 26. *And be it further enacted by the authority aforesaid*, That the Adjutant-General shall be commissioned with the rank of Brigadier-General; and it shall be his duty to distribute all orders from the Commander in Chief of the Militia to the several corps; to attend all public reviews when the Commander in Chief shall review the Militia, or any part thereof; to obey all orders from him relative to carrying into execution and perfecting the system of Military Discipline, established by this Act; to superintend the annual inspection of the Militia; to furnish blank forms of the different returns that may be required, and to explain the principles on which they should be made; to keep such rosters and records as are proper to be kept in his office; to receive from the several Officers

Rank and duty of Adjutant-General.

ficers of the different corps throughout the State returns of the Militia under their command, reporting the actual situation of their corps, their arms, ammunition, and accoutrements, their delinquencies, and every other thing which relates to the general advancement of good order and discipline: All which the several Officers of the divisions, brigades, regiments, battalions and companies are hereby required to make in the usual manner, or as the Commander in Chief shall direct, so that the said Adjutant-General may be duly furnished therewith: From all which returns, he shall make proper abstracts, and a general return of the whole Militia of the Commonwealth, and lay the same before the Governor or Commander in Chief, and to forward a duplicate thereof to the President of the United States.

Duty of the
Brigade-
Inspector.

SECT. 27. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Brigade-Inspector to attend the regimental and battalion meetings of the Militia composing the several brigades to which they belong, during the time of their being under arms; to inspect their arms and equipments; to superintend their exercise and manœuvres, and introduce the system of discipline established by this Act; to obey all orders they may from time to time receive from the Commander in Chief, or others, their superior Officers; to make returns to the Adjutant-General, at least, once in a year, and at such other times as shall be required of the Militia, of the brigades to which they severally belong, reporting therein the actual situation of the corps, their arms, ammunition and accoutrements, and every other thing which they may be required to report; or which, in their judgment, may relate to their government and the general advancement of good order and military discipline.

Rules and
regulations
of discipline
for the Militia.

SECT. 28. *And be it further enacted by the authority aforesaid,* That the rules of discipline approved and established by Congress, in the Resolutions of the twenty-ninth day of *March*, one thousand seven hundred and seventy-nine, shall be the rules and regulations of discipline, to be observed by the Militia of this Commonwealth; except such deviations from said rules as may be necessary by the requisitions of this Act, or some other unavoidable circumstances; and every Officer receiving a commission in the Militia, shall immediately provide himself with a book containing those rules.

Time and
manner of
mustering
the Militia.

SECT. 29. *And be it further enacted by the authority aforesaid,* That every regiment of Militia of this Commonwealth shall be assembled in regiment once in two years for review, inspection and discipline, on such days as the Commanding Officers of the several divisions or brigades shall order; (the Commanding Officers of regiments to point out the place.) And the Militia of every town shall be assembled together once in two years (the year it is not mustered in regiment) at such
time

time and place as the Commanding Officer shall order, and shall be instructed and disciplined under the direction of a Field-Officer. *Provided nevertheless,* In new settlements Provide. where the dispersed situation of a regiment may oblige men to march twenty miles or more, to the place of parade, it shall be at the discretion of the Commanding Officer of the regiment, to muster the Militia in such settlements, either by regiment, by towns, or other convenient bodies. And every non-commissioned Officer and Private shall come to the place of parade with necessary refreshment for said day at his own expense. The cavalry and artillery, and other corps raised at large, shall also be reviewed and inspected once in every year, either with the regiments and battalions, or by themselves, as the Major-Generals or Brigadiers shall order, and at such times and places as they shall direct. And each Commanding Officer of a corps, when on duty, shall have full power and authority, to ascertain and fix certain necessary limits and bounds, to their respective parades (no road in which people usually travel to be included) within which no spectator shall have right to enter without liberty from said Commanding Officer; and in case any person shall so intrude within the lines of the parade, after being once forbidden, he shall be subject to be confined under guard, during the time of exercise, at the discretion of the Commanding Officer. And whenever different corps shall be assembled together, the senior Officer present shall command, without any regard to corps whatever. Review of cavalry and artillery. Parade to be limited and cleared of spectators. Senior Officer to command, in case. And all Officers, when on duty, shall take rank according to the dates of their commissions; and when two of the same grade bear an equal date, and former pretensions of some commission do not decide, then their rank shall be determined by lot, to be drawn by them before the Commanding Officer present, and when on Court-Martial, before the President thereof. Officers to rank from date of commissions.

SECT. 30. *And be it further enacted by the authority aforesaid,* That every Captain or Commanding Officer of a company who shall neglect or refuse to call out his company as often as the law requires, for discipline, and on the first Tuesday of May, for a view of arms, as directed by this Act, or at any other time when thereto required by his superior Officer; or who shall, at any time, excuse his men for unnecessary absence, or deficiency, shall be tried by a Court-Martial, and if thereof convicted, he shall be reprimanded in orders, or removed from office, at the discretion of said Court.

SECT. 31. *And be it further enacted by the authority aforesaid,* That at any regimental muster, the several companies shall form in regiment, according to the rank of the Officers commanding them; and the same rule shall apply whenever different corps are assembled together, excepting so far as by custom, usage and necessity, cavalry, artillery and light troops, may be detached from the battalions. Companies, how to rank.

SECT.

SECT. 32. *And be it further enacted by the authority aforesaid,* That whenever in case of threatened or actual invasion, insurrection, or other public danger or emergency, the Militia, or any part thereof, shall be ordered out or detached, if any person who shall be ordered out or detached, in obedience to such orders, being duly notified thereof, and ordered to march to the place of rendezvous, shall neglect or refuse to obey such orders, or shall not, within twenty-four hours after he shall have been notified as aforesaid, pay a fine of *Ten Pounds* to the Commanding Officer of the company to which he belongs, or procure an able-bodied man in his stead, such person shall be considered as a soldier in such detachment, and be dealt with accordingly. *Provided always,* That whenever a detachment is made, the Officers, non-commissioned Officers and Privates, being able of body, shall be detailed from the rosters or rolls which shall be kept for that purpose : And any person who, by absconding after being detached as aforesaid, or by deserting from such detachment, shall attempt to evade the punishment by law provided for desertion, he shall pay a fine of *Twelve Pounds*, to be sued for and recovered by the Clerk of the company to which such person belongs, any time within twelve months after the discharge of such detachment ; said fine to be disposed of for the purpose of paying such men as shall be hired or drafted into service : And any Officer holding a commission in the Militia, who shall neglect or refuse to execute any orders he may receive from his superior Officer to make a detachment of the corps under his command, it shall be the duty of the Officer who issued such orders immediately to arrest such delinquent Officer, bring him to trial therefor, before a Court-Martial, and forthwith give information thereof to the Commander in Chief ; and the Officer who issued the order which shall not have been executed as aforesaid, shall immediately, after arresting the delinquent Officer, proceed by himself, or some other Officer under his command, to make and complete the detachment ordered as aforesaid. And when any regiment or company shall not be organized, the Officer issuing the orders for such detachment, shall by himself, or some other Officer under him, proceed to make and complete the detachment from any part of the Militia, of such unorganized corps.

SECT. 33. *And be it further enacted by the authority aforesaid,* That whenever the Militia, or any part thereof, of any town, shall be ordered to march for the immediate defence of this State, each Officer and Soldier shall provide and take with him three days' provision, unless otherwise ordered ; and the Selectmen of such town shall cause carriages to attend them with further supplies of provision and camp utensils, until notice shall be given them to desist, by the Commanding Officer of the Militia detached : And the Selectmen shall prefer their
accounts

Penalty,
for not march-
ing with de-
tachments
when ordered.

Proviso.

Punishment,
for absconding.

Delinquent
Officers, how
punished.

Militia to pro-
vide provisions
when called
out.

Selectmen to
furnish car-
riages, &c.

accounts for such supplies to the General Court, for allowance and payment: And whenever the Selectmen of any town or district, from which a detachment shall be ordered, shall be notified by any Officer duly authorized thereto, and shall neglect or refuse to furnish such supplies and utensils, the towns or districts to which such Selectmen belong shall pay a fine not exceeding *Fifty Pounds*, to be sued for and recovered by any person who shall prosecute for the same; one moiety to the prosecutor, and the other to the use of the Commonwealth; and the Officer to whom such camp-utensils shall be delivered, shall be accountable for the same, unless broken or lost by some unavoidable accident not in his power to prevent.

Penalty,
in case.

SECT. 34. *And be it further enacted by the authority aforesaid,* That if any Officer, non-commissioned Officer or Private of the Militia, shall be killed, or die of his wounds received in the service of this Commonwealth, his widow, child or children shall be entitled to similar relief, and under the same regulations and restrictions as is provided by law in such cases for the relief of widows and orphans of persons killed or dying of wounds received in the service of the United States: And if any Officer, non-commissioned Officer or Private of the Militia, shall be wounded or otherwise disabled in the service of this Commonwealth, he shall be entitled to similar relief and under the same regulations and restrictions as provided by law in such cases for the relief of persons wounded or disabled in the service of the United States.

Widows and
children of
persons who
may be killed
or wounded in
actual service,
to receive a
pension.

SECT. 35. *And be it further enacted by the authority aforesaid,* That the Governor or Commander in Chief, shall appoint Courts-Martial for the trial of all Officers above the rank of Captain: That the Major-Generals or Commanding Officers of divisions, each within his own division, shall appoint Courts-Martial for the trial of Captains and all Officers under that rank: And it shall be the duty of every Officer who shall appoint a Court-Martial, as aforesaid, to approve or disapprove of every sentence of such Court-Martial by them appointed: And no officer who shall appoint a Court-Martial shall be President thereof, nor shall any sentence be put in execution until it shall have been approved of as aforesaid: No Court-Martial shall consist of a less number than thirteen commissioned Officers, the President of which shall not be under the rank of a Field-Officer; and no Field-Officer shall be tried by any person under the degree of a Captain; and all Officers shall take rank by seniority of commission, without regard to corps: And the Officer who shall appoint a Court-Martial shall at the same time appoint a suitable person for a Judge-Advocate, whose duty it shall be impartially to state the evidence both for and against the Officer under trial; to take accurate minutes of the evidence, and all the proceedings of the Court; all of which he shall transmit, with the judgment of the Court thereon,

Court Martial,
how appointed
and by whom.

Judge-Advo-
cate to be
appointed---
his duty.

Officers to be tried, to have due notice.
----- to be arrested.

Judgment of Court Martial, how determined.

Persons to give evidence under penalties.

Judge-Advocate to administer

The Oath.

Oath administered to the Judge-Advocate.

Officers guilty of unmilitary conduct, to be tried by a Court Martial,

thereon, under seal, to the Officer whose duty it is to approve or disapprove of such judgment. Every Officer to be tried shall have ten days' notice given him of the time and place appointed for trial : And every Officer to be tried shall be put in arrest, so as to be suspended from the exercise of his office, and shall have a copy of the charges exhibited against him ten days before the sitting of said Court ; and in case any Officer, for the trial of whom a Court-Martial shall be appointed, shall neglect to appear and make defence, he shall be deemed by said Court guilty of the charge, and shall be sentenced accordingly. In every Court-Martial held for the trial of an Officer, not less than two thirds of the Members must agree in the sentence or judgment of said Court, otherwise the person charged shall be acquitted : All proceedings and trials by Court-Martial shall be carried on in the day time ; and when the Members shall be required to give their votes on a question or decision, they shall begin with the youngest in commission first : All persons shall be holden to appear and give evidence before any Court-Martial, under the same penalties for neglect as are by law provided for witnesses in other cases, when thereunto summoned by a Justice of the Peace for such service : And all witnesses shall be sworn by the Judge-Advocate before they give their evidence to the Court. Before any Court-Martial shall proceed to the trial of any Officer, the Judge-Advocate shall administer to the President and each of the Members, the following oath, *viz.*

YOU, *A. B.* do swear, that you will well and truly try the cause now before you, between this Commonwealth and the person to be tried ; and you do further swear, that you will not divulge the sentence of this Court-Martial until it shall be approved or disapproved of ; and that you will not, on any account, at any time whatever, discover the vote or opinion of any Member, unless required to give evidence thereof as a witness, by a Court of Justice, in a due course of law. *So help you GOD.*

And the President shall administer to the Judge Advocate the following oath, *viz.*

YOU, *A. B.* do swear, that you will not, on any account, at any time whatever, divulge the vote or opinion of any Member of this Court-Martial, unless required to give evidence thereof as a witness, by a Court of Justice, in a due course of law. *So help you GOD.*

SECT. 36. *And be it further enacted by the authority aforesaid,* That every Officer holding a commission in the Militia, who shall be accused of any unmilitary conduct, neglect of duty, or disobedience of orders ; or who shall, when on duty, appear or behave himself in an unofficerlike manner, or shall wilfully injure those who are under his command, he shall be liable

liable to be tried by a Court Martial, and if found guilty, to be sentenced by said Court to be reprimanded in orders, or to be removed from office : And whenever a Court-Martial shall sentence any Officer to be removed from office, the Court shall therein adjudge such Officer incapable of holding any military commission under this Commonwealth for life, or for years, according to the nature and aggravation of his offence ; and such sentence, being duly approved of by the Officer appointing such Court-Martial, shall be published and remain in full force, unless reversed, so far as respects disqualification, by the General Court.

---and removed from office.

SECT. 37. *And be it further enacted by the authority aforesaid,* That every town within this Commonwealth shall be constantly provided with sixty-four pounds of good gunpowder, one hundred pounds of musket balls, one hundred flints, and three tin or iron camp-kettles, for every sixty-four Soldiers in the Militia of such town, enrolled as aforesaid ; and the same proportion of each of the aforesaid articles for a greater or lesser number : And every town which shall neglect to keep constantly provided with the said articles, shall forfeit and pay, for the use of the Commonwealth, for every sixty-four men in such town which shall be unprovided with the said articles, the sum of *Six Pounds*, to be recovered by presentment in the Court of General Sessions of the Peace in the county to which such town shall belong. And it shall be the duty of the Brigade-Inspector annually to inspect the magazines of each town within the brigade to which he belongs, and to make complaint to the Grand Jury of the county against all towns which shall neglect to keep constantly provided as aforesaid.

Towns to be provided with military articles.

Penalty, in case of neglect.

How recovered.

Brigade-Inspector to inspect, &c.

And whereas the good citizens of this Commonwealth are often injured by the discharge of single guns on a muster-day. Therefore,

SECT. 38. *Be it further enacted by the authority aforesaid,* That no non-commissioned Officer or Private shall unnecessarily fire a musket or single gun, in any public road, or near any house, or near the place of parade, on any day, or evening succeeding the same, on which any troop or company shall be ordered to assemble for military duty, unless embodied under the command of some Officer ; and if any non-commissioned Officer or Private shall fire a musket or gun, except as aforesaid, on the said day or evening succeeding, without being embodied as aforesaid, he shall forfeit and pay a fine of *Five Shillings* for each and every offence as aforesaid, to be sued for, recovered and disposed of in the same manner as fines for non-appearance on a muster day are recovered and disposed of.

Penalty for firing on a muster-day without orders ;---

how recovered and disposed of.

SECT. 39. *And be it further enacted by the authority aforesaid,* That the Adjutant-General, the Quarter-Master-General, Brigade-Inspectors, and Adjutants of regiments, shall receive a reasonable consideration for their services ; to be allowed by the

Certain Officers to receive pay.

the General Court. And all Officers serving on Military Boards, Courts of Inquiry, and Courts-Martial, shall receive pay while necessarily employed therein, at the same rate as when in actual service: And the Adjutant-General, or Brigade-Majors, as the case may be, shall make up pay-rolls of such Military Boards, Courts of Inquiry and Courts-Martial, and lay the same before the General Court for allowance; and they shall receive payment at the treasury, of the sums so allowed, and pay the same over to the Officers who performed the service.

[This Act passed June 22, 1793.]

An ACT to establish a College in the County of *Berkshire*, within this Commonwealth, by the Name of *Williams' College*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there be erected and established in the town of *Williamstown*, in the county of *Berkshire*, a College for the purpose of educating youth, to be called and known by the name of *Williams' College*, to be under the government and regulation of a body politic and corporate as hereafter in this Act is provided.

SECT. 2. *And be it further enacted by the authority aforesaid,* That *John Bacon, Esq. Rev. Daniel Collins, Israel Jones, Woodbridge Little, David Noble, Theodore Sedgwick, Tompson J. Skinner, Esquires, Rev. Seth Swift, Henry Vanscaack, Esq. Rev. Stephen West, D. D. William Williams and Elijah Williams, Esquires,* together with the President of the said College, for the time being, to be chosen as in this Act is hereafter directed, be and hereby are created a body politic and corporate by the name of *The President and Trustees of Williams' College*, and that they and their successors, and such others as shall be duly elected members of the said Corporation, shall be and remain a body politic and corporate by that name forever.

SECT. 3. *And be it further enacted by the authority aforesaid,* That for the more orderly conducting the business of the said Corporation, the President and Trustees shall have full power and authority, from time to time, as they shall determine, to elect a Vice-President and Secretary of the said Corporation, and to declare the tenures and duties of their respective offices, and also to remove any Trustee from the same Corporation, when, in their judgment, he shall be rendered incapable, by age or otherwise, of discharging the duties of his office, or shall neglect or refuse to perform the same, and to fill up all vacancies in the said Corporation, by electing such persons for Trustees as they shall judge best. *Provided nevertheless,* That the number of the said Trustees, including the President of the said

Pay-rolls to be
laid before the
General Court.

College estab-
lished.

Persons incor-
porated.

Their name.

Their power
and authority.

Proviso.

said College, for the time being, shall never be greater than seventeen, nor less than eleven.

SECT. 4. *And be it further enacted,* That the said Corporation may have one Common Seal, which they may change, break or renew at their pleasure; and that all deeds signed and delivered by the Treasurer, and sealed with their seal, by order of the President and Trustees, shall, when made in their corporate name, be considered in law as the deed of the said Corporation: And that the said Corporation may sue and be sued in all actions, real, personal or mixed, and may prosecute and defend the same to final judgment and execution, by the name of *The President and Trustees of Williams' College*: And that the said Corporation shall be capable of having, holding and taking in fee simple, or any less estate, by gift, grant, devise, or otherwise, any lands, tenements, or other estate, real or personal: *Provided nevertheless,* That the annual clear income of the same shall not exceed the sum of *Six Thousand Pounds*.

Common Seal.

May sue and be sued.

Capable of holding estates.

Proviso.

SECT. 5. *And be it further enacted by the authority aforesaid,* That the said Corporation shall have full power and authority to determine at what times and places their meetings shall be holden, and on the manner of notifying the Trustees to convene at such meetings: And also from time to time to elect a President and Treasurer of said College, and such Professors, Tutors, Instructors, and other Officers of the said College, as they shall judge most for the interest thereof, and to determine the duties, salaries, emoluments and tenures of their several offices aforesaid: The said President, for the time being, when elected and inducted into his office, to be, *ex officio*, President of the said Corporation: And the said Corporation are farther empowered to purchase or erect, and keep in repair, such houses and other buildings as they shall judge necessary for the said College: And also to make and ordain, as occasion may require, reasonable rules, orders and bye-laws, not repugnant to the laws of this Commonwealth, with reasonable penalties for the good government of the said College; and also to determine and prescribe the mode of ascertaining the qualifications of the Students, requisite to their admission; and also to confer such Degrees as are usually conferred by Universities established for the education of youth. *Provided nevertheless,* That no corporate business shall be transacted at any meeting, unless seven at the least of the Trustees are present: *And provided further,* That the said Corporation shall confer no Degrees other than those of Bachelor of Arts, and Master of Arts, until after the first day of *January*, which will be in the year of our Lord one thousand eight hundred.

Shall have power to call meetings;

To elect Officers;

To purchase and keep in repair houses for the College.

To confer Degrees.

Provisos.

SECT. 6. *And be it further enacted by the authority aforesaid,* That the clear rents, issues and profits of all the estate, real and personal, of which the said Corporation shall be seized or possessed,

Estates, &c.

how appropriated.

possession, shall be appropriated to the endowment of the said College, in such manner as shall most effectually promote Virtue and Piety, and the knowledge of such of the Languages, and of the liberal Arts and Sciences as shall hereafter be directed from time to time by the said Corporation.

Tompson J. Skinner to call a meeting.

SECT. 7. *And be it further enacted by the authority aforesaid,* That the Hon. *Tompson J. Skinner*, Esq. be and he is hereby authorized and empowered to fix the time and place for holding the first meeting of the said Corporation, of which he shall give notice, by an advertisement in the *Stockbridge* newspapers, at least fourteen days previous thereto.

Treasurer to give bonds.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the Treasurer of the said College shall, before he enter upon the execution of the duties of his office, give bonds to the said Corporation, in such sums, and with such sureties as they shall approve of, conditioned for the faithful discharge of the said office, and for rendering a just and true account of his doings therein, when required. And that all the money, securities, and other property of the President and Trustees of *Williams' College*, together with all the books in which his accounts and proceedings, as Treasurer, were entered and kept, that shall be in his hands at the expiration of his office, shall, upon demand made upon him, his executors or administrators, be paid and delivered over to his successor in that office. And all monies recovered by virtue of any suit at law, upon such bond, shall be paid over to the President and Trustees aforesaid, and subjected to the appropriation above directed in this Act.

----- to give up all money, books, &c. at the expiration of his office.

Legislature empowered.

SECT. 9. *And be it further enacted by the authority aforesaid,* That the Legislature of this Commonwealth may grant any further powers to, or alter, limit, annul, or restrain any of the powers by this Act vested in the said Corporation, as shall be judged necessary to promote the best interests of the said College; and more especially, may appoint and establish Overseers or Visitors, of the said College, with all necessary powers and authorities for the better aid, preservation and government thereof.

Property vested in the Corporation.

SECT. 10. *And be it further enacted by the authority aforesaid,* That all the property, real and personal, belonging to the Trustees of *Williamstown* Free School, be and the same hereby is vested in the Corporation, which by this Act is created.

Grant made to the College.

SECT. 11. *And be it further enacted by the authority aforesaid,* That there be and hereby is granted to the Trustees of *Williams' College*, for the use, benefit and purpose of supporting said College, *Twelve Hundred Pounds*, to be paid out of the treasury of this Commonwealth; *Three Hundred Pounds* of the same to be paid the first day of *September*, one thousand seven hundred and ninety-three, and *Three Hundred Pounds*, annually, on the first day of *September*, for the three succeeding years.

[This Act passed June 22, 1793.]

An

An ACT to revive and continue an Act, entitled,
 “An Act to prevent the Destruction of Oysters in
 the several Places therein mentioned.”

[This Act passed June 22, 1793. Repealed Feb. 26, 1796.]

An ACT for incorporating a religious Society in the
 Town of *Penobscot*, in the County of *Hancock*.

[This Act passed June 22, 1793.]

An ACT to incorporate certain Lands in the Town
 of *Dedham*, in the County of *Norfolk*, into a com-
 mon Field.

[This Act passed June 22, 1793.]

An ACT in Addition to an Act, entitled, “An Act
 to prevent Damage by Horses going at large.”

WHEREAS the same damage which arises from Horses Preamble.
 going at large, is frequently done by Asses and Mules;
 and whereas the Act made in *February*, one thousand seven
 hundred and eighty-nine, to prevent said damage by Horses, is
 confined only to Horses and Horse Kind:

*Be it enacted by the Senate and House of Representatives, in Gen-
 eral Court assembled, and by the authority of the same, That the
 said Act, and every clause and part thereof, shall extend to Asses* Former Act
 extended.
*and Mules, and that the same proceedings shall be had with
 respect to them, as are provided in the said Act with respect
 to Horses.*

[This Act passed June 22, 1793.]

An ACT for incorporating certain Persons for the
 Purpose of building a Bridge over *Sheepscott-River*,
 in the County of *Lincoln*, and for supporting the
 same.

[This Act passed June 22, 1793.]

An ACT for incorporating *James Sullivan*, Esquire, and
 others, by the Name and Style of *The Proprietors*
of the Middlesex Canal. Addit. Acts,
 Feb. 28, 1795,
 Jan. 25, 1800.

[This Act passed June 22, 1793.]

An

An ACT to incorporate the east Part of *Greenfield*, in the County of *Hampshire*, into a Town by the Name of *Gill*.

[This Act passed *September 28, 1793.*]

An ACT to establish an Academy in the Town of *Groton*, by the Name of *Groton Academy*.

[This Act passed *September 28, 1793.*]

An ACT to establish an Academy in the Town of *Westford*, by the Name of *Westford Academy*.

[This Act passed *September 28, 1793.*]

An ACT to empower the Proprietors of the south Meeting-House in the south Parish in *Danvers*, in the County of *Essex*, to raise Money by a Tax on the Pews and such Seats in the said Meeting-House as the Proprietors of said Meeting-House shall think proper, and making Provision for the Dissolution of said Parish.

[This Act passed *September 28, 1793.*]

An ACT for naturalizing *Pierre Briamant*.

[This Act passed *September 28, 1793.*]

An ACT to incorporate *Benjamin Greenleaf*, Esquire, and others, for the Purpose of establishing a Woollen Manufactory.

[This Act passed *January 29, 1794.*]

An ACT to incorporate the Plantation of *Sandy-River*, with the Inhabitants thereof, into a Town by the Name of *Farmington*.

[This Act passed *February 1, 1794.*]

An ACT to provide for the Debt of this Commonwealth.

Acts extending the time,

WHEREAS the obligations of good faith, as well as justice to individuals, and the support of public credit, require that provision be made for the Debt due from the Commonwealth :

July 3, 1795,
Feb. 24, 1796,
Feb. 20, 1797,
March 2, 1798.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That a loan to the full amount of said Debt, be and hereby is proposed, and that books for receiving subscriptions to the said loan, be opened at the treasury of the Commonwealth, on the first day of *March* next, and to continue open until the last day of *February*, Anno Domini, one thousand seven hundred and ninety-five, and that the sums which shall be subscribed thereto, be payable in the following notes, certificates and bills of credit, computing interest on such as promise interest, to the last day of *June* next, inclusively, viz.—Notes issued by the Treasurer of this State, commonly called consolidated notes, and army notes, also notes given for gold and silver, in the year of our Lord one thousand seven hundred and seventy-seven ; certificates issued by *Nathaniel Appleton*, Esq. the United States Commissioner of Loans in this State, for the sums subscribed in the certificates of the Debt of this State, exceeding the sum assumed by the United States, computing interest thereon at *six per cent.* per annum, from the first day of *January*, one thousand seven hundred and ninety-two, to and including the last day of *June* aforesaid ; bills of credit commonly called new emission bills, issued by the authority of this State, according to an Act of the fifth of *May*, one thousand seven hundred and eighty, at the rate of *Four Dollars* in said bills for *One Dollar* in specie, and interest on said bills to be computed from the last payment thereof, to and including the said last day of *June*, at the same rate.

Loan proposed, and books opened.

Species of notes to be subscribed.

SECT. 2. *And be it further enacted,* That for the sum subscribed to said loan, and paid as aforesaid, by any person or persons, or body politic, the subscriber or subscribers shall be entitled to a certificate signed by the Treasurer of this Commonwealth, of the form following, viz.

Certificate granted.

No. ()

COMMONWEALTH OF MASSACHUSETTS,

17 .

The form.

BE it known, that there is due from the Commonwealth of *Massachusetts*, unto _____ or bearer, the sum of _____ dollars _____ cents, bearing interest at *five per centum* per annum, from the first day of *July*, seventeen hundred and ninety-four, inclusively, payable half yearly, and subject to redemption by payment of said sum, or any part thereof, whenever provision shall be made therefor by law.

Dollars Cents.

Interest when
paid.

SECT. 3. *And be it further enacted*, That interest on the said certificates, as the same shall become due, shall be paid half yearly, viz. on the first day of *January* and *July*, in each year.

--- how paid.

SECT. 4. *And be it enacted by the authority aforesaid*, That the monies that shall from time to time be received by the Treasurer, for the interest on the balance due from the United States to this Commonwealth, as reported by the Commissioners for settlement of accounts between the United States and the individual States, and for interest on money loaned by the Commonwealth to the United States, and for the dividend that may from time to time be declared due to the Commonwealth by the President and Directors of the Union Bank, shall be and hereby are pledged and appropriated for paying the interest on the sums that may be subscribed to the loan aforesaid.

Faith pledged
for its payment
punctually.

SECT. 5. *And be it further enacted*, That the faith of the Commonwealth is hereby pledged to provide and appropriate by an annual tax, or otherwise, such additional funds as may be requisite for the punctual payment of the interest on the loan aforesaid; and the Treasurer of the Commonwealth is hereby authorized and directed to borrow of the President and Directors of the Union Bank, any sum not exceeding *Thirty Thousand Pounds*, that may at any time be necessary for the punctual payment of the interest aforesaid, and to repay the sum he may borrow as soon as money sufficient for that purpose shall be received into the treasury, from the funds appropriated as aforesaid, or that may be hereafter appropriated for that purpose.

Funds estab-
lished for pay-
ment of prin-
cipal.

And whereas it is desirable to establish funds for the gradual extinguishment of the principal of said debt:

SECT. 6. *Be it enacted by the authority aforesaid*, That the monies now due on the sales that have been made of the eastern and western lands, late the property of the Commonwealth, (excepting the sum of *Thirty Thousand Pounds*, which is hereby appropriated for completing the payment of the sum subscribed by the Treasurer, in behalf of the Commonwealth, to the stock of the Union Bank) also the proceeds arising from any future sale of the eastern lands, and the interest on the debt which may from time to time be redeemed, shall be applied to the purchase of the Debt that may be created by virtue of this Act, and the monies aforesaid are hereby appropriated for that purpose, until the said Debt shall be fully discharged.

Purchases,
how made,
and by whom.

SECT. 7. *And be it further enacted*, That the purchase aforesaid shall be made under the direction of the President of the Senate, the Speaker of the House of Representatives, and the President of the Union Bank, for the time being, and who, or any two of whom, shall cause the said purchases to be made in such manner and under such regulations as shall appear to them

them best calculated to promote the interest of the Commonwealth ; and the account of the application of the said monies shall be rendered for settlement to the Treasurer, accompanied with returns of the said Debt purchased therewith, at the end of every six months, computing from the time of commencing purchases as aforesaid, and that a full and exact report of said Commissioners, or any two of them, including a statement of the disbursements and purchases made under their direction, specifying therein the time thereof, the prices at which, and the parties from whom the same may be made, shall be laid before the Legislature whenever called for by them.

SECT. 8. *And be it further enacted*, That the Treasurer of the Commonwealth, whenever any monies, appropriated as aforesaid for the purchase of the public Debt, shall be paid into the treasury, be and hereby is directed to certify the amount of such payment to the Governor, for the time being, and the Governor, with the advice of Council, is hereby requested to draw his warrant on the Treasurer for the sum mentioned in said Treasurer's certificate, in favour of the Commissioners for the purchase of the public Debt ; and the said Commissioners are directed to deposit in the Union Bank the money that may be received by them, to be drawn for as occasion may require. *Provided always*, That nothing in this Act shall be construed to preclude the Legislature from applying any such sum or sums appropriated by this Act as shall be deemed absolutely necessary for the immediate support and maintenance of the Government of this Commonwealth.

Treasurer directed to certify.

Governor requested to draw his warrant.

Provido.

SECT. 9. *And it is further enacted*, That the consolidated notes, also the army notes that shall hereafter be issued by the Treasurer of the Commonwealth, pursuant to law, shall be received on the loan aforesaid, on the same terms as if the said notes had been issued prior to passing this Act.

Consolidated notes, &c. received.

[This Act passed February 1, 1794.]

An ACT to set off *Joseph Clarke* and *Jonathan Beals* from the Town of *Cumington*, in the County of *Hampshire*, and to annex them to the District of *Plainfield*, in said County.

[This Act passed February 4, 1794.]

An ACT for dividing the Town of *Sanford*, and for incorporating the north Parish into a distinct District.

This Act passed February 4, 1794.]

An ACT to incorporate the Plantation of *Bridgton*, in the County of *Cumberland*, into a Town by the Name of *Bridgton*.

[This Act passed February 7, 1794.]

An ACT to prevent Damage being done to the Beach and Meadows on the fourth Side of the Town of *Edgartown*, in the County of *Dukes'-County*, and to the Creeks adjoining thereto, by Cattle, Sheep, and Horses passing over the same, and for preserving the Fish in the said Creeks.

[This Act passed February 11, 1794.]

An ACT ascertaining what shall constitute a legal Settlement of any Person in any Town or District within the Commonwealth, so as to entitle him to Support therein in case he becomes Poor, and stands in need of Relief; and for repealing all Laws heretofore made respecting such Settlement.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the

Laws repealed. *same*, That all Laws heretofore made, enacting and ascertaining what shall constitute a legal settlement of any person in any town or district within this Commonwealth, so as to subject and oblige such town or district to support such person in case of his becoming poor and standing in need of relief, so far as they relate to the manner of gaining a settlement in future, be and they hereby are repealed; but all settlements already gained by force of said laws, or otherwise, shall remain, until lost by gaining others in some of the ways hereafter mentioned.

Settlements to remain.

Ways and means providing legal settlements, in case of poverty.

SECT. 2. *And be it further enacted*, That legal settlements in any town or district in this Commonwealth, shall be hereafter gained, so as to subject and oblige such town or district to relieve and support the persons gaining the same, in case they become poor and stand in need of relief, by the ways and means following, and not otherwise, namely:

Married women.

First. A married woman shall always follow and have the settlement of her husband, if he have any within this Commonwealth, otherwise her own at the time of marriage, if she then had any, shall not be lost or suspended by the marriage; and in case the wife shall be removed to her settlement, and the husband shall want relief from the State, he shall receive it

in

in the town where his wife shall have her settlement, at the expence of the Commonwealth.

Second. Legitimate children shall follow and have the settlement of their father; if he shall have any within this Commonwealth, until they gain a settlement of their own; but if he shall have none, they shall, in like manner, follow and have the settlement of their mother, if she shall have any. Legitimate children.

Third. Illegitimate children shall follow and have the settlement of their mother, at the time of their birth, if any she shall then have within the Commonwealth; but neither legitimate or illegitimate children shall gain a settlement by birth in the places where they may be born, if neither of their parents shall then have any settlement there. Illegitimate.

Fourth. Any person of twenty-one years of age, being a citizen of this or any of the United States, having an estate of inheritance or freehold in the town or district where he dwells and has his home, of the clear yearly income of *Three Pounds*, and taking the rents and profits thereof three years successively, whether he lives thereupon or not, shall thereby gain a settlement therein. Other description of persons.

Fifth. Any person of twenty-one years of age, being a citizen of this or any of the United States, having an estate, the principal of which shall be set at *Sixty Pounds*, or the income at *Three Pounds Twelve Shillings*, in the valuation of estates made by Assessors, and being assessed for the same, to state, county, town or district taxes, for the space of five years successively, in the town or district where he dwells and has his home, shall thereby gain a settlement therein.

Sixth. Any person being chosen and actually serving one whole year, in the office of Clerk, Treasurer, Selectman, Overseer of the Poor, Assessor, Constable, or Collector of taxes in any town or district, shall thereby gain a settlement therein.

Seventh. All settled ordained Ministers of the Gospel shall be deemed as legally settled in the towns or districts wherein they are or may be settled and ordained.

Eighth. Any person that shall be admitted an inhabitant by any town or district at any legal meeting, in the warrant for which an article shall be inserted for that purpose, shall thereby gain a legal settlement therein.

Ninth. All persons, citizens as aforesaid, dwelling and having their homes in any unincorporated place, at the time when the same shall be incorporated into a town or district, shall thereby gain a legal settlement therein.

Tenth. Upon division of towns or districts, every person having a legal settlement therein, but being removed therefrom at the time of such division, and not having gained a legal settlement elsewhere, shall have his legal settlement in that town or district wherein his former dwelling-place or home shall happen to fall upon such division; and when any

any new town or district shall be incorporated, composed of a part of one or more old incorporated towns or districts, all persons legally settled in the town or towns, district or districts, of which such new town or district is so composed, and who shall actually dwell and have their homes within the bounds of such new town or district at the time of its incorporation, shall thereby gain legal settlements in such new town or district.

Proviso.

Provided nevertheless, That no person residing in that part of any town or district which, upon such division, shall be incorporated into a new town or district, having then no legal settlement therein, shall gain any by force of such incorporation only; nor shall such incorporation prevent his gaining a settlement therein within the time, and by the means by which he would have gained it there, if no such division had been made.

Eleventh. Any minor who shall serve an apprenticeship to any lawful trade for the space of four years in any town or district, and actually set up the same therein within one year after the expiration of said term, being then twenty-one years old, and continue to carry on the same for the space of five years therein, shall thereby gain a settlement in such town or district; but such person, being hired as a journeyman, shall not be considered as setting up a trade.

Twelfth. Any person, being a citizen, as aforesaid, and of the age of twenty-one years, who shall hereafter reside in any town or district within this Commonwealth for the space of ten years together, and pay all state, county, town or district taxes, duly assessed on such person's poll or estate, for any five years within said time, shall thereby gain a settlement in such town or district.

And every legal settlement, when gained, shall continue till lost or defeated by gaining a new one; and upon gaining such new settlement, all former settlements shall be defeated and lost.

[This Act passed February 11, 1794.]

An ACT in Addition to an Act, entitled, "An Act for incorporating certain Persons for the Purpose of building a Bridge over *Merrimack-River*, between the Towns of *Haverhill* and *Bradford*, in the County of *Essex*, and for supporting the same."

[This Act passed February 12, 1794.]

An ACT to incorporate a Society by the Name of
The Massachusetts Historical Society.

[This Act passed February 19, 1794.]

An

An ACT for granting to the United States of America
the Jurisdiction of Part of the Island of *Seguin*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there be and hereby is granted to the United States of America, the jurisdiction of ten acres of land, and the property of this Commonwealth therein, most convenient for a light-house, part of the island of *Seguin*, situated near the mouth of the river *Kennebeck*, in this Commonwealth, for the purpose of erecting a light-house on the same ten acres; which quantity of land shall be laid out at the time of erecting said light-house, and a description thereof, in writing, entered in the registry of deeds, in the county wherein the same shall be situated. Land granted the United States.

SECT. 2. *Provided nevertheless, and be it further enacted by the authority aforesaid,* That if the said United States shall neglect, for the term of four years from the date of this grant, to erect a light-house on some part of the same ten acres, and after the same shall be erected, shall neglect to keep the same in good repair, and a state useful to navigation, then this grant shall be void. *Provided also,* That this Commonwealth shall retain, and hereby does retain a concurrent jurisdiction with the said United States, in and over the same ten acres, so far as that all civil and criminal processes, issued under the authority of this Commonwealth, or any officers thereof, may be executed on any part of the same ten acres, granted as aforesaid, or in any buildings thereon to be erected, in the same way and manner as if the jurisdiction had not been granted as aforesaid. *And provided also further,* That if the said United States shall, at any time hereafter, make any compensation to any of the United States, for any cession made for the purposes of this grant, like compensation to be made to this Commonwealth by the United States, for the present grant, according to its value. Providos.

[This Act passed *February 19, 1794.*]

An ACT for settling the Line between *Littleton* and
Boxborough.

[This Act passed *February 20, 1794.*]

An ACT to set off *Joel Brooks* from the Town of
Winchendon, and to annex him and his Estate to
the Town of *Gardner*.

[This Act passed *February 20, 1794.*]

An ACT to set off *James Damon* and *Abiel Damon*, with certain Lands, from the Town of *Norwich*, and for annexing them to the Town of *Chesterfield*.

[This Act passed *February 22, 1794*.]

An ACT for setting off *Samuel Brown*, of *Needham*, in the County of *Norfolk*, from the east Parish, and annexing him to the west Parish in said *Needham*.

[This Act passed *February 22, 1794*.]

An ACT to secure to Owners their Property in Logs, Mafts, Spars and other Timber, in certain Cafes.

Preamble.

WHEREAS many persons put their logs, mafts, spars, and other pieces of timber, marked with their marks, into the rivers within this Commonwealth, and into the ponds and streams leading into fuch rivers, which marks are frequently cut out, altered or destroyed, to the injury of the owner : To prevent which wrongs,

Penalties for cutting out marks, &c.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court affembled, and by the authority of the same,* That if any person or persons shall cut out, alter or destroy any mark or marks of any owner or owners, made on any logs, mafts, spars or other timber, put into any of the rivers, ponds or streams within this Commonwealth, as aforesaid, on conviction thereof, fuch offender or offenders, shall forfeit and pay a fine of *Forty Shillings* for each log, mast, spar or other piece of timber, the mark whereof he or they shall be convicted of having fo altered or destroyed ; and shall be further liable to pay to the owner or owners of fuch log, mast, spar, or other piece of timber, treble the value thereof ; which fine and treble value shall be recoverable by fuch owner or owners, by action of trespass, in any Court proper to try the same, with legal costs of fuit.

Further penalty.

SECT. 2. *Be it further enacted,* That if any fuch mark or marks shall be fo cut out, altered or destroyed, by any person or persons, and the owner or owners of the same property shall be unknown, the person or persons fo offending shall forfeit and pay the sum of *Forty Shillings* for each log, mast, spar or other piece of timber, the mark whereof he or they shall be convicted of fo altering or destroying, to the person who shall sue for the same ; to be recovered by action of debt, in any Court proper to try the same, with legal costs.

Penalty for splitting timber.

SECT. 3. *Be it further enacted by the authority aforesaid,* That if any person or persons shall take, carry away, or dispose of,

law,

saw, split, or otherwise destroy any log, mast, spar, or piece of timber, the property of another, without the consent of the owner (except as is herein after provided) he or they so offending, and being convicted thereof, shall forfeit and pay to the owner or owners, for each log, mast, spar or piece of timber, treble the value thereof, to be recovered by an action of trespass, in any Court proper to try the same, with costs of suit.

SECT. 4. *And be it further enacted by the authority aforesaid,* That when any log or logs, mast, spar or other piece of timber, shall be carried by the floods into any lands adjoining said rivers, the ponds, streams or waters running into the same rivers, or forming part thereof, the owner or owners of such log or logs, mast, spar or timber may, at any time within eighteen months, lawfully remove the same from off said land, on tendering or paying to the proprietor or possessor of the land such reasonable damages as may be occasioned by such removal; and if the owner or owners of such logs, masts, spars or timber, shall not appear and take the same from off such lands, within the same term of eighteen months, or otherwise agree with the proprietors or possessors of such lands, then the same logs, masts, spars or timber, shall be deemed their property, and wholly at their disposal.

Timber carried off by floods, recovered.

SECT. 5. *And be it further enacted by the authority aforesaid,* That whenever any logs, masts, spars or other timber, shall be taken up and secured for the owner below the great boom (so called) in *Saco-River*, between *Biddeford* and *Pepperelborough*, the person or persons so taking up and securing said logs, masts, spars or timber, shall be entitled to one sixth part of said logs, masts, spars or timber, if taken up above the lower falls on said river, and below said boom; or if taken up and secured below said lowest falls, on *Saco-River*, one third part of all logs, masts, spars, or other timber so taken up and secured for the owners of the same: *Provided*, The person or persons so taking up and securing the same shall, in all such cases, advertise said logs, masts, spars or timber, describing the same and the marks (if any there be) on the same, within seven days after so taking up and securing them, by posting up such advertisement in one or more of the public inns, in *Pepperelborough* and *Biddeford*; and if no such advertisement shall be posted up as aforesaid, the owner of such logs, masts, spars or timber, may take the whole without paying any sum for taking up and securing the same; and if no owner shall appear to take a part of said logs, masts, spars or timber, and demand his part thereof, within three months from the day it is advertised as aforesaid, then the whole of said logs, masts, spars or other timber, shall become the property of the person who shall take up and secure the same as aforesaid; and any person or persons, using, selling, or any other way disposing of said logs, masts, spars or other timber, or any part thereof, within the

Benefit of picking up timber, in certain cases.

To be advertised.

term

term of three months from the time of taking up and advertising the same in manner aforesaid, unless he purchases the same of the lawful owner, shall be liable to pay the owner thereof treble the value of such logs, masts, spars or piece of timber, with costs of suit, on being convicted thereof, to be recovered as aforesaid.

And whereas it may be difficult to obtain positive evidence for the conviction of those who may offend against this Act :

Evidence of a
breach of this
Act.

SECT. 6. *Be it therefore enacted by the authority aforesaid,* That when any person shall be prosecuted for the breach of this Act, for any logs, masts, spars or timber, being found in his possession with the marks cut out or altered, as aforesaid, it shall be considered as evidence against the person possessing the same, as being guilty of a breach of this Act, unless such person shall give reasonable satisfaction to the Court or Jury which tries the cause, that neither he himself, nor any other person by his order, or for or under him, did so alter or deface the marks on the same.

Provided nevertheless, That nothing in this Act shall be construed to extend to *Connecticut-River* or the river *Merrimack*.

[This Act passed *February* 22, 1794.]

An ACT prescribing the Mode of recovering Forfeitures of personal Property liable thereto by Law, and also pecuniary Forfeitures.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That whenever any personal property shall be liable to forfeiture for any offence, any person or persons entitled thereto, or interested therein, in whole or in part, may seize and shall safely keep the same till a final decree be had thereon, unless the owner or person from whom it was taken, claiming the same for himself or some other person, shall give bond, with sufficient surety, to the party seizing, to pay the appraised value thereof, when and if it shall be finally decreed forfeited, which value shall be appraised upon oath by three judicious and disinterested men, mutually chosen by the parties, or (in case of disagreement or refusal of the party seizing) appointed by a Justice of the Peace in the county where the property was seized : but upon the giving or tendering such bonds, the property shall be delivered to such owner or claimant ; and if no claimant shall appear, the party seizing shall be held to cause an inventory and appraisement of the property seized, to be made by three disinterested persons under oath, who shall be appointed by a Justice of the Peace in the county where the property shall be seized, which appraised value shall be the rule by which to determine where the libel shall be commenced.

Personal property liable to forfeiture, may be seized, on conditions.

ed. And in order to obtain a decree of forfeiture of such property,

SECT. 2. *Be it further enacted*, That if the property seized exceed *Four Pounds* in value, the party seizing the same shall, within twenty days after the seizure, but not afterwards, file a libel in the Clerk's office of the Court of Common Pleas in the county where the offence was committed, stating the cause of seizure, and praying for a decree of forfeiture, whereupon the Clerk shall make out a notification to all persons to appear at such Court, and shew cause, if any they have, why such property should not be decreed forfeit, for such cause of seizure; which notifications the libellant shall cause to be inserted in some newspaper printed in the same county, if there be one; otherwise, in some newspaper printed in the next or nearest county, or in *Boston*, fourteen days at least before the sitting of the Court at which the libel is to be tried; and upon entry of such libel, at the time when civil actions are to be entered in such Court, the Court shall have power to hear and determine the cause by a Jury, where there is a claimant, but without one, if, upon proclamation made, no claimant appears, and to decree the forfeiture and disposition of such property according to law, and may decree a sale and distribution of the proceeds, deducting charges where they think proper; and may also award costs against the claimants: And if such libel be not supported, or be discontinued, restitution of the property shall be decreed to the claimants, with costs: And if the Jury on the trial, where the libel is tried by a Jury, find the seizure groundless and without probable cause, they shall assess, and the Court shall decree reasonable damages for the claimant, with costs. And either party aggrieved at the decree of such Court, may appeal therefrom to the Supreme Judicial Court next to be holden in the same county, who shall have power, upon such appeal, finally to hear and determine the cause, and decree thereupon in manner aforesaid.

SECT. 3. *And be it further enacted*, That when the property seized shall not exceed the value of *Four Pounds*, the libel shall be preferred to some Justice of the Peace in the same county where the offence was committed, within the time aforesaid, who shall have power to hear, determine and decree thereupon as aforesaid, having first caused a like notification to be posted up, and which the libellant shall be held to do at some public place in the same county seven days before the time of trial, saving to either party aggrieved liberty of appeal from the decree of such Justice to the next Court of Common Pleas to be held in and for said county, who shall have power finally to hear, determine and decree in the cause aforesaid; and depositions taken for legal cause, and according to law, may be used on the trial, as well before said Justice as before said Courts. And if any such appeal is not entered and prosecuted,

To be tried at the Court of Com. Pleas, if exceeding £. 4:

Under £. 4. to be preferred to a Justice of the Peace.

ecuted, the Court to which the same was made, upon complaint, may affirm the decree appealed from, with additional damages and costs, or with additional costs only, as the case may require.

Prosecutions
may be made.

SECT. 4. *And be it further enacted*, That all pecuniary fines or forfeitures made or that may be made recoverable, by bill, plaint or information, or by any of those modes of prosecution, by any law of this Commonwealth, or for the recovery whereof no mode shall be prescribed, shall and may be sued for and recovered, by action of debt, in any Court proper to try the same, any law, usage or custom to the contrary notwithstanding.

Provido.

Provided always, That nothing in this Act shall be construed to take away any remedy already provided in and by any Act or law of this Commonwealth for any forfeiture declared thereby.

[This Act passed February 22, 1794.]

An ACT for incorporating the several religious Societies in *Newbury-Port*, in the County of *Essex*.

[This Act passed February, 22, 1794.]

An ACT in Addition to an Act, entitled, “ An Act to prevent the Destruction, and to regulate the catching of the Fish called Salmon, Shad and Alewives, in the Rivers and Streams in the Counties of *Cumberland* and *Lincoln*, and to repeal all Laws heretofore made for that Purpose.”

[This Act passed February 24, 1794.]

An ACT to incorporate the Proprietors of *St. Peter's Church*, in *Salem*, in the County of *Essex*.

[This Act passed February 24, 1794.]

An ACT to divide the Town of *Frankfort*, in the County of *Hancock*, and to erect the southerly Part of it into a new Town by the Name of *Prospect*.

[This Act passed February 24, 1794.]

An ACT to incorporate the Plantation called *Sowerdabscok*, with Part of the Town of *Frankfort*, into a separate Town by the Name of *Hampden*.

[This Act passed February 24, 1794.]

An ACT dividing the Commonwealth into Districts
for the Choice of Counsellors and Senators.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Commonwealth districted.
from and after the passing of this Act, the whole Commonwealth be and hereby is formed and divided into thirteen districts, for the choice of Counsellors and Senators, in manner following, and that each district be and hereby is directed and authorized to choose the number of Counsellors and Senators thereto respectively affixed, in manner as is by law provided, *viz.*

The county of *Suffolk* shall form one district, and choose four Senators.

The county of *Essex* shall form one district, and choose five Senators.

The county of *Middlesex* shall form one district, and choose four Senators.

The county of *Hampshire* shall form one district, and choose five Senators.

The counties of *Plymouth*, *Dukes'-County* and *Nantucket* shall form one district, and choose three Senators.

The county of *Barnstable* shall form one district, and choose one Senator.

The county of *Bristol* shall form one district, and choose two Senators.

The County of *York* shall form one district, and choose two Senators.

The county of *Worcester* shall form one district, and choose five Senators.

The county of *Berkshire* shall form one district, and choose two Senators.

The county of *Cumberland* shall form one district, and choose two Senators.

The counties of *Lincoln*, *Hancock* and *Washington* shall form one district, and choose two Senators.

The county of *Norfolk* shall form one district, and choose three Senators.

Provided, That in the fifth district, the Counsellors and Senators assigned to said district, shall be chosen in manner following, *that is to say*, for the present year, and every second succeeding year, the said county of *Plymouth* shall choose separately two, and the said counties of *Dukes'-County* and *Nantucket* one, and every other year the said district shall unite in the choice of the whole number assigned to said district.

Provide.

[This Act passed February 24, 1794.]

An ACT for incorporating a Number of Inhabitants in the County of *Berkshire*, into a religious Society, by the Name of *The First Baptist Society in Sandisfield*.
[This Act passed *February 25, 1794.*]

An ACT for incorporating a Number of Inhabitants of the Town of *West-Stockbridge*, in the County of *Berkshire*, into a distinct and separate religious Society.
[This Act passed *February 25, 1794.*]

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *Fore-River*, between *Portland* and *Cape-Elizabeth*, and for supporting the same.
[This Act passed *February 25, 1794.*]

An ACT for incorporating the Inhabitants of the southerly Part of the Town of *New-Marlborough*, in the County of *Berkshire*, into a separate Parish.
[This Act passed *February 25, 1794.*]

An ACT to incorporate the Plantation of *Washington*, in the County of *York*, into a Town by the Name of *Newfield*.
[This Act passed *February 26, 1794.*]

An ACT incorporating a Society by the Name of *The Trustees of the Baptist Education Fund*.
[This Act passed *February 26, 1794.*]

An ACT for setting off from the Town of *Cheshire*, in the County of *Berkshire*, three Lots of Land, with the Inhabitants thereon, and for annexing the same to the Town of *Windsor*.
[This Act passed *February 26, 1794.*]

An ACT in Addition to an Act, entitled, “ An Act for enforcing the speedy Payment of Rates and Taxes, and directing the Process against deficient Constables and Collectors.”

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That if the inhabitants, qualified to vote in town affairs, of any town, district or plantation in this Commonwealth, from which any state tax or taxes now remain due and unassessed, including the Class Tax, so called, shall neglect, for the space of five months from the passing of this Act, to choose Assessors to assess the same, and cause the assessment thereof to be certified, as the law requires, to the Treasurer of the Commonwealth, for the time being, and agreeable to his warrant, directing the same, he is hereby authorized and directed to issue his warrant, under his hand and seal, directed to the Sheriff of the county or his deputy, requiring him to levy and collect, by distress and sale, the sum mentioned therein of the estates, real and personal, of any inhabitant or inhabitants of such deficient town, district or plantation; which warrant the said Sheriff or his deputy is hereby empowered and required to execute, observing the same rules and regulations as are by law provided for satisfying warrants against deficient Collectors of public taxes; and it shall be the duty of the said Sheriff, or his deputy, on the receiving of the said warrant, forthwith to transmit an attested copy thereof to the Selectmen or Town-Clerk of the town, district or plantation named therein; and if the Assessors shall within sixty days from the receipt of such attested copy deliver to the said Sheriff or his deputy, a certificate, according to law, of the assessment of the tax or taxes required by said warrant, and pay the Officer his legal fees, he shall forthwith transmit the same certificate to the said Treasurer, and return the warrant unsatisfied.

Treasurer to
issue his war-
rant against
inhabitants,
in case of
neglect.

SECT. 2. *And be it further enacted,* That if the inhabitants qualified to vote in town affairs of any town, district or plantation in this Commonwealth, from which any state or county tax shall hereafter be required, shall neglect to choose and keep in office Assessors to assess the same, as the law requires, the Treasurer of the Commonwealth or of the county, for the time being, is hereby authorized and directed to issue his warrant, under his hand and seal, directed to the Sheriff of the county or his deputy, requiring him to levy and collect the sum mentioned therein, in manner aforesaid. And the said Sheriff or his deputy shall execute the said warrant, observing all the rules and regulations, and all the provisions mentioned in the first enacting clause in this Act.

----- to
issue warrant,
in other cases
of neglect.

SECT. 3. *And be it further enacted,* That if the inhabitants qualified to vote in town affairs of any town, district or plantation

tation

Treasurer to
issue warrant,
in case of neg-
lect of Asses-
sors.

tation in this Commonwealth, from which any state tax or taxes now remain due or from which any state or county tax shall hereafter be required, shall choose Assessors, who shall neglect to assess the tax required by the warrant issued to them, or to reassess any tax on the failure of a Collector, and to certify the assessment, as the law directs, and the estates of such Assessors shall be found insufficient to pay the same tax, in the manner already provided by law, then and in every such case, the Treasurer of the Commonwealth or of the county, for the time being, is hereby authorized and directed to issue his warrant, under his hand and seal, directed to the Sheriff of the county or his deputy, requiring him to levy and collect, by distress and sale, so much of the sum mentioned therein as the estates of the Assessors shall be insufficient to pay, of the estates, real and personal, of any other inhabitants of the deficient town, district or plantation, which warrant the said Sheriff or his deputy shall execute, observing all the rules and regulations, and all the said provisions mentioned in the first enacting clause in this Act.

Inhabitants al-
lowed to bring
actions against
towns.

SECT. 4. *And be it further enacted*, That if the estate of any inhabitant or inhabitants (not being an Assessor or Assessors) of any town, district or plantation shall be levied upon and taken as aforesaid, he or they shall have an action or actions against the town, district, or plantation, to recover the full value of the estate so levied upon and taken, with interest thereon, computed at the rate of *twelve per centum* per annum, and from the time the said estate was taken, with legal costs of suit; and at the trial the plaintiff or plaintiffs shall be admitted to prove the real and true value of the estate so taken at the time the same was levied upon.

And in order that such action or actions may be supported against a plantation;

Plantations in-
corporated.

SECT. 5. *Be it further enacted*, That each plantation in the said Commonwealth, from which any state tax or taxes now remain due and unassessed, or from which any state or county tax shall hereafter be required as aforesaid, be and hereby is made a body politic and corporate, for the purposes aforesaid, and liable to such action or actions, with full power to defend the same, in the same manner as towns by law may defend suits against them.

SECT. 6. *Be it further enacted*, That this Act shall continue and be in force for the term of three years from passing the same.

[This Act passed February 26, 1794.]

An ACT to incorporate a religious Society by the Name of *The Methodist Society in the first Parish of Lynn*, in the County of *Essex*.

[This Act passed February 26, 1794.]

An ACT providing for the Relief and Support, Employment and Removal of the Poor, and for repealing all former Laws made for those Purposes.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That every town and district within this Commonwealth shall be holden to relieve and support all poor and indigent persons, lawfully settled therein, whenever they shall stand in need thereof; and may vote and raise monies therefor, and for their employment, in the same way that monies for other town or district charges are voted and raised: And may also, at their annual meetings, choose any number not exceeding twelve, of suitable persons, dwelling therein, to be Overseers of their Poor; and where such are not specially chosen, the Selectmen shall be Overseers of the Poor, *ex officio*.

Towns authorized to support poor.

----- to choose Overseers;

SECT. 2. *Be it further enacted,* That said Overseers shall have the care and oversight of all such poor and indigent persons, so settled in their respective towns and districts; and shall see that they are suitably relieved, supported and employed, either in the work-house or other tenements belonging to such towns or districts, or in such other way and manner as they, at any legal meeting, shall direct, or otherwise at the discretion of said Overseers, at the cost of such town or district.

who shall have the care thereof.

SECT. 3. *Provided always, and be it further enacted,* That the kindred of any such poor person, if any he shall have, in the line or degree of father or grandfather, mother or grandmother, children or grandchildren, by consanguinity, living within this Commonwealth, of sufficient ability, shall be holden to support such pauper in proportion to such ability.

Provifo.

And the Court of Common Pleas in the county where any one of such kindred to be charged shall reside, upon complaint made by any town or district, or kindred who shall have been at any expense for the relief and support of any such pauper (which complaint being filed in the Clerk's office of such Court, and summons thereon issued, directed to and served by any proper Officer to serve original summons, and in the manner they are by law to be served, fourteen days before the sitting of such Court, shall be sufficient to hold the persons summoned to answer thereto) may on due hearing, either upon the appearance or default of the kindred so summoned, assess and apportion such sum as they shall judge reasonable therefor, upon such of said kindred as they shall judge of sufficient ability, and according thereto, to the time of such assessment, with costs, and may enforce payment thereof by warrant of distress: *Provided,* Such assessment shall not extend to any expense for any relief afforded more than six months previous to the filing of such complaint.

Court of Common Pleas authorized, in case of supporting poor.

Provifo.

And may further assess and apportion upon them such weekly sum for the future as they shall judge sufficient for the support of such pauper, to be paid quarterly till further order of Court, and upon application from time to time of the town, district or kindred to whom the same shall have been ordered to be paid, the Clerk of said Court shall issue, and may renew a warrant of distress for the arrears of any preceding quarter.

And the Court may further order, with whom of such kindred, that may desire it, such pauper shall live and be relieved, and for such time with one, and such with another, as they shall judge proper, having regard to the comfort of the pauper, as well as the convenience of the kindred. And upon suggestion, other kindred of ability not named in the complaint, may be notified, and the process may be continued, and upon due notice, whether they appear or are defaulted, the Court may proceed against them in the same manner as if they had been named in the complaint. But if such complaint be not entered, or be discontinued or withdrawn, or be adjudged groundless, the respondents shall recover costs.

And such Court may take further order from time to time in the premises, upon application of any party interested, and may alter such assessment and apportionment as the circumstances may vary.

Overseers authorized to bind out poor children.

SECT. 4. *And be it further enacted*, That said Overseers be and they hereby are empowered, from time to time, to bind out, by deed indented or poll, as apprentices, to be instructed and employed in any lawful art, trade, or mystery, or as servants to be employed in any lawful work or labour, any male or female children, whose parents are lawfully settled in and become actually chargeable to their town or district; also, whose parents, so settled, shall be thought by said Overseers to be unable to maintain them (whether they receive alms, or are so chargeable or not) *Provided*, They be not assessed to any town or district charges; and also all such who, or whose parents residing in their town or district, are supported there at the charge of the Commonwealth, or whose parents are unable to support them as aforesaid, to any citizen of this Commonwealth—that is to say, male children till they come to the age of twenty-one years, and females till they come to the age of eighteen, or are married; which binding shall be as valid and effectual in law as if such children had been of the full age of twenty-one years, and had, by a like deed, bound themselves, or their parents had been consenting thereto: Provision to be made in such deed for the instructing of male children, so bound out, to read, write and cypher, and of females to read and write, and for such other instruction, benefit and allowance, either within or at the end of the term, as to the Overseers may seem fit and reasonable.

Proviso.

SECT.

SECT. 5. *And be it further enacted*, That it shall be the duty of said Overseers, to inquire into the usage of children already legally bound out, or that may be bound out by force of this Act, and to defend them from injuries. And upon complaint by such Overseers, made to the Court of Common Pleas in the county where their town or district is, or where the child may be bound, against the master of any such child, for abuse, ill-treatment or neglect; said Court (having duly notified the party complained of) may proceed to hear the complaint, and if the same be supported, and the cause shall be judged sufficient, may liberate and discharge such child from his or her master, with costs, for which execution may be awarded, otherwise the complaint shall be dismissed, but without costs, unless it appear groundless and without probable cause, in which case costs shall be allowed the respondent.

Duty of Overseers respecting such children.

Court C. Pleas authorized, in case.

And any apprentice or servant, so discharged, or whose master shall decease, may be bound out anew for the remainder of the term, in manner aforesaid. And such Overseers may also have remedy, by action on such deed, against any person liable thereby, for recovery of damages for breaches of any of the covenants therein contained, which, when recovered, shall be placed in the town or district treasury, deducting reasonable charges, and disposed of by the Overseers, at their discretion, for the benefit and relief of such apprentice or servant within the term; the remainder, if any, to be paid him at the expiration thereof; and the Court before which such cause shall be tried originally, and on the appeal, may also, upon the plaintiff's request, if they see cause, liberate and discharge such apprentice or servant from his master, if it hath not then been already done in the method before directed by this Act. And such apprentice or servant shall have like remedy when their term is expired, for damages for the causes aforesaid, other than such (if any) for which damages may have been recovered as aforesaid, by action upon such deed to be delivered them for that purpose, and on which no endorsement shall be necessary: *Provided*, Such action be commenced within two years after the expiration of the term; and where such deed shall have before been put in suit, an attested copy from the proper Officer may be used and have the same force as the original. And no action brought by Overseers shall abate by the death of some of them, or by their being succeeded in office, pending the action, but it shall proceed in the names of the original plaintiffs or the survivors of them.

Apprentices discharged, may be bound anew.

Power of Overseers.

Proviso.

And in case of elopement, any such apprentice or servant may be apprehended by any Justice of the Peace of the county where he is bound or where he may be found, upon the complaint of the master, or any other on his behalf, and returned to his master by any person to whom the warrant may be directed, or may be first sent to the house of correction at the Justice's discretion.

In case of elopement.

Persons enticing to elope, liable.

discretion. And every person enticing any such apprentice or servant to elope from his master, or harbouring him, knowing him to have eloped, shall be liable to the master's action for all damages sustained thereby. And the Court of Common Pleas, either in the county where the Overseers binding, or the master of any apprentice or servant bound, live, may also, upon complaint of such master, for gross misbehaviour, discharge such apprentice or servant from his apprenticeship or service, after due notice to such Overseers, and hearing thereupon.

Overseers authorized respecting persons of age.

SECT. 6. *And be it further enacted*, That said Overseers shall have power to set to work, or bind out to service by deed, as aforesaid, for a term not exceeding one whole year at a time, all such persons residing and lawfully settled in their respective towns or districts, or who have no such settlement within this Commonwealth, married or unmarried, upwards of twenty-one years of age, as are able of body, but have no visible means of support, who live idly, and use and exercise no ordinary or daily lawful trade or business to get their living by; and also all persons who are liable by any law to be sent to the house of correction, upon such terms and conditions as they shall think proper.

Provided.

Provided always, That any person thinking him or herself aggrieved by the doings of said Overseers, in the premises, may apply, by complaint, to the Court of Common Pleas in the county where they are bound, or where the Overseers who bound them dwell, for relief; which Court, after due notice to the Overseers and to their masters, shall have power, after due hearing and examination, if they find sufficient cause, to liberate and discharge the party complaining from his or her master, and to release him or her from the care of the Overseers, otherwise to dismiss the complaint, and to give costs to either party or not, as the Court may think reasonable.

-----authorized respecting those poor who live without the bounds of incorporated towns.

SECT. 7. *And be it further enacted*, That the poor persons standing in need of relief, living without the bounds of any incorporated town or district, shall be under the care of the Overseers of the Poor, appointed in the adjoining town or district wherein the inhabitants of such unincorporated place are usually taxed: And the same Overseers shall have the like authority to bind out the children of such poor persons as they are vested with, respecting the children of persons in like circumstances, inhabitants of the town or district in which they are appointed. And such Overseers may also set to work, or bind out as aforesaid, for a space not exceeding one whole year at a time, all such persons above the age of twenty-one years, married or unmarried, residing in their county, but without the bounds of any town or district, as are able of body, but have no visible means of support, or who live idly, using no ordinary, daily lawful trade or business to get their living by, or who are liable by any law to be sent to the house of correction,

rection, and shall receive and apply their earnings (deducting reasonable charges) to the support of them or their families, if any they have, at their discretion, saving to such persons the like remedy for relief, if they think themselves aggrieved, as is by this Act provided for persons set to work, or bound out for like causes by Overseers of towns.

And for the prevention of poverty as well as lewdness,

SECT. 8. *Be it further enacted*, That any person who shall be suspected of keeping a house of ill fame, resorted to for the purposes of prostitution or lewdness, may be apprehended by warrant from any Justice of the Peace in the county, upon complaint of the Overseers of the town or district wherein such house shall be; and upon conviction of such offence before such Justice, or before the Court of General Sessions of the Peace, or presentment of the Grand-Jury, may be ordered to the house of correction, for a term not exceeding one month; and after such conviction, shall not be allowed to keep lodgers or boarders, in any town or district, without the license of the Overseers of the Poor thereof.

Houses of ill fame to be broke up.

SECT. 9. *And be it further enacted*, That it shall also be the duty of said Overseers, in their respective towns or districts, to provide for the immediate comfort and relief of all persons residing or found therein not belonging thereto, but having lawful settlements in other towns or districts, when they fall into distress and stand in need of immediate relief, and until they shall be removed to the places of their lawful settlements, the expenses whereof, incurred within three months next before notice given to the town or district, to be charged, as also of their removal or of their burial, in case of their decease, may be sued for and recovered, either in a civil action, by the town or district incurring the same, against the town or district wherein such persons had such settlements, or in the method by complaint, hereafter prescribed in and by this Act: *Provided*, Such action or complaint for damages be commenced or preferred within two years after the cause of action arose, but not otherwise. And in such civil action, the settlement of the pauper shall not be contested by the defendants, if it hath been then adjudged to be in their town or district upon such process as is herein after prescribed; otherwise it may be: And a recovery in such action shall bar the town or district, against which the same shall be had, from disputing the settlement of such pauper, in such town or district, with the town or district so recovering, in any future action or process brought and prosecuted for the support or removal of such pauper.

Overseers authorized to provide for strangers;

at the expense of their own town.

Proviso.

SECT. 10. *And be it further enacted*, That all persons actually chargeable, or who, through age or infirmity, idleness or dissoluteness, are likely to become chargeable to the places wherein they are found, but in which they have no lawful settlement,

Paupers to be removed to their lawful settlements

tlement, may be removed to the places of their lawful settlements, if they have any within the Commonwealth : And in order to effect such removal (and also to recover the expenses incurred for the relief of such persons, if said Overseers choose that mode in preference to a civil action) said Overseers may apply, by complaint, to any Justice of the Peace in their county, not an inhabitant of their town or district, which complaint may be in substance as follows :

To *a Justice of the Peace, in and for the county of*

Form of complaint.

THE town of _____ in the said county, by the subscribers, Overseers of their Poor, complain and shew, that _____ now resident in said town, is poor, and become chargeable (or is likely to become chargeable) to said town ; and that his lawful settlement is in _____ in the county of _____ : Wherefore your complainants pray, that after a due course of proceedings had, the lawful settlement of said _____ may be adjudged to be in said town of _____, and that he may be removed thither by warrant accordingly. Your complainants further pray judgment for damages, for expenses incurred on account of said _____ an account whereof is annexed, and for such as may accrue until the time of judgment, and for costs. Dated at said _____ the _____ day of _____, A. D. 179 _____ A. B. &c. Overseers.

Upon which complaint, such Justice shall make out and annex thereto a summons, directed to the Sheriff or his deputy, of the county wherein the town to be summoned is, in substance as follows :

(Seal.) _____ ff.
To the Sheriff of the county of _____, or his deputy,
GREETING.

Justices' summons.

IN the name of the Commonwealth of *Massachusetts*, you are hereby required to summons the town of _____ in said county of _____ to appear, if they see fit, before me, the subscriber, a Justice of the Peace, in and for said county of _____ at _____ in said county of _____ on the _____ day of _____ at _____ of the clock in the _____ noon, to shew cause, if any they have, why the prayer of the above written complaint should not be granted, by leaving an attested copy thereof, and of this summons, with the Overseers of the said town of _____ or some one of them, thirty days before said _____ day of _____ and make return hereof, and of your doings herein, unto me, the said Justice, on or before the said _____ day of _____ Hereof fail not.

Given under my hand and seal the _____ day of _____ in the year of our Lord _____ T. P.

And

And such officer shall serve and return the same, his being an inhabitant of the town to be summoned notwithstanding, for the same fees as for other writs of summons. And such Justice shall summons the party to be removed, and other witnesses, and may, if he see cause, compel the appearance of the former by warrant, to be examined; and shall hear his objections to such removal, and may, for good cause, continue the process once, not exceeding three months; and after due examination and hearing, whether the town summoned appears or not, shall proceed to give judgment for or against the complainants, and make a record thereof in substance as follows:

Party and witnesses to be summoned.

— ff.
AT a Court held before me Esq. a Justice of the Peace in and for the county of at in said county, on the day of in the year of our Lord one thousand seven hundred and the town of in the county of complainants against the town of in the county of shewing that now resident in said town of is poor and become chargeable to that town (or is likely to become chargeable, as the fact may be) and that said town of is the place of his lawful settlement, and praying it may be so adjudged, and that he may be removed thither (and for damages for expenses incurred on account of such pauper, or that may be incurred, and for costs :) The parties appear (or the complainants appear, but the said town of although solemnly called, doth not appear, but makes default, as the case may be) and after due examination and hearing, and on due consideration of the premises had, I do adjudge the same to be true, and I do also adjudge that the lawful settlement of the said is in the said town of and that he be removed thither, and that the complainants recover costs (or that the complainants recover the sum of , damages for expenses incurred to this time for the support of said as the case may require) (or if in favour of the town complained of, say, I do adjudge that the said is not likely to become chargeable to said town of or that the lawful settlement of said is not in said town of and that said town of recover costs.)

Form of judgment.

Recorded by me,

Justice of the Peace.

No costs, however, to be awarded for such town if defaulted; but if the complaint be not entered, or be discontinued, or not prosecuted, the town complained of appearing, and praying therefor, shall recover costs. And upon judgment of removal, such Justice may issue his warrant of removal, directed to, and to be executed by, any Constable of the town from whence the person is to be removed, or to any particular person by name, in the following form:

Costs to be awarded, as the case may be.

— ff.

— ff.

(Seal.) To any Constable of the town of _____ in the county of _____

GREETING.

Warrant of
removal.

WHEREAS, at a Court held on _____ before me _____ Esq.
a Justice of the Peace in and for the county of _____ on the
_____ day of _____ it was adjudged by me, the said Justice,
that _____ now resident in said town of _____ is chargeable (or
likely to become chargeable, as the case may be) thereto; that
his lawful settlement is in the town of _____ in the county of _____
and that he be removed thither. I do therefore, in the
name of the Commonwealth of *Massachusetts*, hereby author-
ize and require you forthwith to take, remove and convey, by
land or water, as may be most convenient, the said _____ to the
said town of _____, and him deliver to the Overseers of the
Poor thereof, or some one of them, who are hereby required
to receive and provide for him as an inhabitant of that town.
And of this warrant, and of your doings herein, you are to
make return to me as soon as may be after you shall have ex-
ecuted the same.

Given under my hand and seal the _____ day of _____ in
the year of our Lord one thousand seven hundred and _____.

J. P.

Overseers to
provide.

And such Overseers shall be obliged to receive and provide
for such person accordingly; and said Justice may also award
execution for damages and costs; and may tax in costs a rea-
sonable sum for the expense of removal; and the execution
may be issued to, and may be executed by a proper Officer in
the county where the town is, against which it issues. And
in all the proceedings aforesaid, the word *district* shall be in-
serted instead of the word *town*, where the cases require it.

Execution
may be issued
against the
town.

Provido.

Provided always, That either party, as also any person who
shall be adjudged likely to become chargeable and ordered to
be removed, aggrieved at the judgment of such Justice, may
appeal therefrom to the next Court of Common Pleas to be
holden in and for the same county, and shall produce copies,
and enter and prosecute the same as other appeals are. And
said Court shall hear and determine the same without a Jury,
and may award like warrant for removal, and like execution
for damages and costs, *mutatis mutandis*; or may, on complaint,
affirm the judgment of the Justice with additional damages
and costs, where the appeal is not prosecuted, and carry such
judgment into execution.

Complaint to
be made by
Overseers.

SECT. II. *And be it further enacted*, That such complaint
may be originally made by said Overseers, if they see fit, to
the Court of Common Pleas in their county, by filing the same
with the Clerk of said Court, and procuring a like summons
from him, *mutatis mutandis*, and causing the same to be served
in

in time and manner as aforesaid, as also summons for the party to be removed, and for witnesses; and such Court, upon such complaint, shall proceed to hear, determine, adjudge and grant warrant and execution in the same manner as in cases coming before them by appeal; and in all their adjudications in the premises, they shall state the facts upon which their judgments are founded, to the end that error therein, if any, may be corrected by writ of error, in the Supreme Judicial Court, to which either party aggrieved shall be entitled, if purchased within a year, but not otherwise, and upon which, if judgment be reversed, such judgment shall be given as ought to have been given below, and the plaintiffs in error shall be restored to all they lost by such erroneous judgment, with costs; but if the judgment be affirmed, the defendants shall recover costs. And said Supreme Judicial Court may send to said Courts of Common Pleas, and require them to state other facts when it shall appear, by suggestion or otherwise, that some material ones were omitted in the statement aforesaid, or to explain such as do not appear to the Court to be clearly stated; unless a new statement be agreed to by the parties. And depositions may be used before the Justice, as well as Court of Common Pleas, on the trial of such complaints, when taken legally and for legal cause. And when expenses for support of a pauper are prayed for in such complaint, the same complaint may be proceeded upon to judgment, so far as respects his settlement and such expenses; the decease of the pauper pending the complaint notwithstanding. But in all complaints and suits for removal of paupers, or recovery of expenses for their support, to be made and prosecuted by the town of *Boston*, in the county of *Suffolk*, shall be made and prosecuted either in the county of *Middlesex* or *Norfolk*; and all such complaints and suits to be made or prosecuted by the town of *Sherburne*, in the county of *Nantucket*, or by any town in the county of *Dukes'-County*, shall be made and prosecuted either in the county of *Bristol* or *Barnstable*.

Court C. Pleas to hear and determine.

Parties may appeal.

Complaints, where to be prosecuted.

SECT. 12. *Provided always, and be it further enacted*, That said Overseers may, in all cases, if they judge it expedient, previous to any such application to any Justice of the Peace or Court of Common Pleas, send a written notification, stating the facts relating to any person actually become chargeable to their town or district, to one or more of the Overseers of the place where his settlement is supposed to be, and requesting them to remove him, which they shall have power to do by a written order directed to any particular person by name, who is hereby authorized and required to obey the same; and if such removal is not effected, nor objected to by them, in writing, after such notice, to be delivered, in writing, within two months after such notice to the Overseers of the town or district requesting such removal, or to some one of them, then
such

Proviso.

such Overseers may remove such person by land or water, as is most convenient, by a written order, directed to and to be served by any persons who shall be particularly mentioned in such order, to said place of his supposed settlement, the Overseers whereof shall be obliged to receive and provide for him, and their town or district shall be liable for the expenses of his support and removal, to be recovered by action, as aforesaid, by the town or district incurring the same, and shall be barred from contesting the question of settlement with the plaintiffs in such action. And if any person lawfully removed, agreeably to this Act, to the place of his lawful settlement within this Commonwealth, shall voluntarily return to the town or district from which he was removed, without their consent, he shall be deemed a vagabond, and upon conviction thereof before any Justice of the Peace in the same county, may be sent to the house of correction.

Overseers to
order burials.

SECT. 13. *And be it further enacted*, That said Overseers shall also relieve and support, and in case of their decease, decently bury all poor persons residing or found in their towns or districts, having no lawful settlements within this Commonwealth, when they stand in need, and may employ them as other paupers may be; the expense whereof may be recovered of their relations, if they have any chargeable by law for their support, in manner herein before pointed out; otherwise it shall be paid out of the treasury of the Commonwealth, by warrant from the Governor, by and with advice of Council, an account thereof having been first exhibited to, and examined and allowed by the General Court. And upon complaint of such Overseers, any Justice of the Peace in their county may, by warrant directed to, and which may be executed by any Constable of their town or district, or any particular person by name, cause such pauper to be sent and conveyed, by land or water, to any other State, or to any place beyond sea, where he belongs, if the Justice thinks proper, if he may be conveniently removed, at the expense of the Commonwealth; but if he cannot be so removed, he may be sent to and relieved, and employed in the house of correction, or work-house, at the public expense. And every town and district shall be holden to pay any expense which shall be necessarily incurred for the relief of any pauper, by any inhabitant not liable by law for his or her support, after notice and request made to the Overseers of the said town or district, and until provision shall be made by them.

Justices, on
complaint, to
cause paupers
to be removed.

Overseers em-
powered to
prosecute and
defend in be-
half of towns.

SECT. 14. *And be it further enacted*, That in all actions and prosecutions by complaint founded on this Act, for or against any town or district, or against any individual, the Overseers of the Poor thereof, or any person, by writing, under their hands appointed, shall and may appear, prosecute or defend the same to final judgment and execution, in behalf of
such

such town or district, and every act or thing required or authorized by them to be done by this Act, may be done by them or the major part of them.

SECT. 15. *And be it further enacted*, That if any person shall bring and leave any poor and indigent person in any town or district in this Commonwealth, wherein such pauper is not lawfully settled, knowing him to be poor and indigent, he shall forfeit and pay the sum of *Twenty Pounds* for every such offence, to be sued for, and recovered by, and to the use of such town or district, by action of debt, in any Court proper to try the same. Forfeiture, in case.

SECT. 16. *And be it further enacted*, That if any master or other person, having charge of any vessel, shall therein bring into, and land, or suffer to be landed in any place within this Commonwealth, any person, before that time convicted in any other State, or in any foreign country, of any infamous crime, or any for which he hath been sentenced to transportation, knowing of such conviction, or having reason to suspect it, or any person of a notoriously dissolute, infamous and abandoned life and character, knowing him or her to be such, shall, for every such offence, forfeit the sum of *One Hundred Pounds*, one half thereof to the use of the Commonwealth, and the other half to the use of any person being a citizen of, and residing in this Commonwealth, who shall prosecute and sue for the same, by action of debt, as aforesaid. Masters of vessels prohibited from bringing in infamous persons.

And in order to prevent charge to the Commonwealth, or any towns or districts therein, by the importation of such convicts, or of infirm and vicious persons,

SECT. 17. *Be it further enacted*, That the master, or any other person having charge of any vessel arriving at any place within this Commonwealth with any passengers on board, from any foreign dominion or country without the United States of America, shall, within forty-eight hours after such arrival, make a report, in writing, under his hand, of all such passengers, their names, nation, age, character and condition, so far as hath come to his knowledge, to the Overseers of the Poor of the town or district, at or nearest to which such vessel shall arrive, who shall record the same in a book kept for that purpose in their office. And every such master or other person, that shall neglect to make such report, or that shall wittingly and willingly make a false one, shall for each of those offences forfeit the sum of *Fifty Pounds*, to be sued for and recovered by action of debt, as aforesaid, by and to the use of such town or district. ----- on entry, to make report of passengers.

SECT. 18. *And be it further enacted by the authority aforesaid*, That an Act, entitled, "An Act providing for the support of the poor," passed the fourteenth day of *February*, in the year of our Lord one thousand seven hundred and eighty-nine, and all other laws and parts of laws heretofore made and passed relative to the support, Act repealed.

Exceptions.

support, employment, binding, warning out, or removal of the poor; be and the same hereby are repealed: *Saving*, That they shall remain in force as to all actions or prosecutions already commenced and now pending upon them: *Saving also*, That all acts and things already lawfully done and completed under and by force of them, be and hereby are confirmed and declared to be valid; and *saving further*, That this repeal shall not be construed to extend to an Act, entitled, "An Act for suppressing and punishing of rogues, vagabonds, common beggars, and other idle, disorderly and lewd persons," passed the twenty-sixth day of *March*, in the year of our Lord one thousand seven hundred and eighty-eight; nor to an Act, entitled, "An Act for erecting work-houses for the reception and employment of the idle and indigent," passed the tenth day of *January*, in the year of our Lord one thousand seven hundred and eighty-nine; nor to an Act passed the present sessions of the General Court, entitled, "An Act ascertaining what shall constitute a legal settlement of any person in any town or district within this Commonwealth, so as to entitle him to support therein in case he becomes poor, and stands in need of relief; and for repealing all laws heretofore made respecting such settlement."

[This Act passed *February 26, 1794.*]

An ACT in Addition to an Act, entitled, "An Act to incorporate a Number of Inhabitants of the Towns of *Rochester and Middleborough*, in the County of *Plymouth*, and *Freetown*, in the County of *Bristol*, into a separate Precinct, by the Name of *The Congregational Precinct in Rochester, Middleborough and Freetown.*"

[This Act passed *February 26, 1794.*]

An ACT in Addition to an Act, entitled, "An Act to incorporate the east Part of *Greenfield*, in the County of *Hampshire*, into a Town by the Name of *Gill.*"

[This Act passed *February 26, 1794.*]

An ACT in Addition to an Act, entitled, "An Act to regulate the catching of Salmon, Shad and Alewives, and to prevent Obstructions in *Merrimack-River* and in the other Rivers and Streams running into the same, within this Commonwealth, and for repealing several Acts heretofore made for that Purpose."

[This Act passed *February 26, 1794.*]

An ACT in Addition to, and for the Amendment of an Act, entitled, “ An Act regulating the Appointment and Services of Grand-Jurors.”

WHEREAS the mode of appointing Grand-Jurors, hitherto in use, has been found inconvenient, and is liable to abuse :

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the first day of *August* next, when the inhabitants of any town shall be assembled, according to law, for the purpose of appointing a Grand-Juror or Grand-Jurors, to serve either in the Supreme Judicial Court or the Court of General Sessions of the Peace, one of the Selectmen, not being the Clerk of such town (a majority of whom shall be present at such meeting) shall from the box, wherein are contained the names of such of the inhabitants of said town as are intended to serve on the Petit-Jury at the Supreme Judicial Court, draw out as many tickets or names as there may be Grand-Jurors required by the *venire* from the Clerk of either of said Courts ; and the person or persons whose name or names shall be so drawn out, shall be the Grand-Juror or Grand-Jurors, to serve at either of said Courts for which they may be required.

Manner of
appointing
Jurors.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the Grand-Jurors, appointed as aforesaid, shall be summoned and sworn in the same manner as is directed in the Act to which this is an addition ; and all the penalties, provisions and directions in said Act mentioned and contained, shall be and remain in full force, except as is herein otherwise directed.

To be sworn.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the service of any person as a Grand-Juror shall not exempt or excuse him from serving as Petit-Juror, except at the Court or within the term for which he may be chosen to serve as Grand-Juror.

Grand-Juror
not excused as
Petit-Juror.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the boxes which contain the tickets or names of the inhabitants of any town intended to serve as Petit-Jurors, either in the Supreme Judicial Court or Court of Common Pleas and General Sessions of the Peace, which by law are to be provided and kept, shall be deposited and kept in the office of the Clerk of said town.

Town-Clerk
to have the
care of the
boxes.

SECT. 5. *And be it further enacted by the authority aforesaid,* That if the Town-Clerk or Selectmen of any town shall be guilty of any fraud in the draft and appointment of any Grand-Juror who may be drawn or appointed, in pursuance of this Act, either by returning the name of such Grand-Juror into the box after it may have been fairly drawn out, and substituting some other name, or in any other way whatsoever, such

Forfeiture,
in case of fraud.

Town-Clerk

Appropriation.

Proviso.

Town-Clerk or Selectman, shall forfeit and pay for such offence, the sum of *Ten Pounds*, to be recovered by action of debt, in any Court proper to try the same; one moiety thereof to be and enure to the Commonwealth, the other moiety thereof to him or them who shall prosecute for and recover the same: *Provided*, That if any person, whose name may be drawn out to serve as a Grand-Juror, in pursuance of this Act, shall, at the time it is so drawn, be absent beyond sea or out of the Commonwealth, the Selectmen may return the same into the box again, and proceed to draw out the name of some other person or persons in their stead, who shall be the Grand-Juror or Grand-Jurors required.

Manner of warning inhabitants for the purpose.

SECT. 6. *And be it further enacted by the authority aforesaid*, That from and after the first day of *August* aforesaid, the manner of notifying and warning the inhabitants of any town to assemble for the purpose of being present at the appointment of a Grand-Juror or Jurors, in pursuance of this Act, shall be the same as shall be, or has been agreed upon by such town for notifying and warning the annual town-meeting in such town, for the choice of town officers, or in such other manner as any town may agree upon.

Power of the towns in certain counties.

SECT. 7. *And be it further enacted*, That the several towns in the counties of *Nantucket* and *Dukes'-County* shall have power to select one third part of the number which shall be contained in the list of persons qualified to serve as Petit-Jurors, and which shall be laid before the town from time to time by their Selectmen, agreeable to law; and such as they judge best qualified to serve at the Supreme Judicial Court, and to cause their names to be put into the box provided and appropriated, to contain the names of persons to serve as Petit-Jurors at the Supreme Judicial Court; any thing in the law for regulating the choice and services of Petit-Jurors to the contrary notwithstanding.

[This Act passed *February 26, 1794.*]

An ACT for determining the Times and Place of holding the Supreme Judicial Court and the Court of General Sessions of the Peace and Court of Common Pleas, for and within the County of *Hampshire*.

WHEREAS the town of *Northampton*, on account of its central situation, appears to be the most suitable place for holding the Supreme Judicial Court and the Court of General Sessions of the Peace and Court of Common Pleas, within and for the county of *Hampshire*, and the most likely to give general satisfaction to the inhabitants thereof:

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,*

same, That the Supreme Judicial Court shall hereafter be holden in the town of *Northampton*, in the said county of *Hampshire*, on the last Tuesday of *April* and the fourth Tuesday of *September*, annually; and that the said town of *Northampton* shall be the shire town of said county of *Hampshire*.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the Court of General Sessions of the Peace and Court of Common Pleas, within and for the county of *Hampshire*, shall hereafter be holden at *Northampton*, on the third Tuesday of *May*, the first Tuesday of *September*, the second Tuesday of *November*, and the second Tuesday of *January*, annually; any law heretofore made to the contrary notwithstanding.

[This Act passed February 26, 1794.]

An ACT ascertaining the Quality of Stone-Lime, and the Size of Lime Casks, and for repealing all Laws heretofore made relative thereto.

June 27, 1794.
Feb. 27, 1795.

WHEREAS considerable quantities of Stone-Lime are and may be manufactured within this Commonwealth, which, if subjected to proper regulations, may become an article of export :

Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the first day of *July* next, no Stone-Lime, manufactured within this Commonwealth, shall be sold or exposed to sale, or shipped on board any vessel, in casks, but such only as shall be well burnt and pure, and contained in hogheads of one hundred gallons each, or half hogheads of fifty gallons each, made of well-seasoned oak or ash staves, with ten hoops on each cask, well driven, and sufficiently secured with nails or pins. And every manufacturer or owner of Lime, at the time it is manufactured and put into casks, shall with a burning iron impress or mark on one of the heads of each cask of Lime his own name, and the name of the town or place where said Lime is manufactured, both at length, and the contents in figures.

Method of making and casking Stone-Lime.

SECT. 2. *And be it further enacted*, That if the manufacturer or owner of any Stone-Lime, as aforesaid, or any other person employed by him, shall presume to sell, or expose to sale, or ship, or receive on board any vessel, in casks, any Lime other than such as shall be contained in a cask or casks, made as aforesaid, and having the aforesaid marks or brands, the offender or offenders shall incur the penalty of *Ten Shillings* for each cask so sold or offered for sale, or shipped or received on board any vessel, to be sued for and recovered before any Justice of the Peace or Court of Common Pleas, as the case may require, by action of debt; and all such Lime and cask or casks shall be forfeited,

Forfeiture, in case of offence.

Officer to seize
and secure for
trial.

forfeited, and may be recovered by libel, as the law directs. And it shall be lawful for any Justice of the Peace, upon information given of any such cask or casks of Lime sold, or exposed to sale, or put, or received on board any vessel as aforesaid, not made and duly marked, or branded, as aforesaid, to issue his warrant, directed to the Sheriff, his deputy or Constable, requiring them respectively to make seizure of any such Lime sold or exposed to sale, or shipped, or received on board any vessel, and not made and marked as aforesaid, and to secure the same in order for trial; and such Officers are respectively directed and empowered to execute the same.

Forfeiture,
in case of
fraud.

SECT. 3. *And be it further enacted*, That if, after any cask or casks containing Lime shall have been stamped with the manufacturer's or owner's marks as aforesaid, any cooper or other person shall presume to shift the contents of said cask or casks, and put therein any other Lime, with a design to sell or ship the same on board any vessel, such cooper or other person, so offending, shall forfeit and pay the sum of *Ten Shillings* for every cask of Lime so shifted, to be recovered in manner as aforesaid.

Manufacturers
subject to for-
feiture, in case
of fraud.

SECT. 4. *And be it further enacted*, That if any manufacturer or manufacturers, owner or owners of Lime, as aforesaid, or other person, shall be guilty of any fraud in marking with their respective brands, any cask or casks of Lime that shall not be merchantable, according to the true intent and meaning of this Act, he or they shall forfeit and pay the sum of *Twenty Shillings* for every such offence, or for every cask so falsely marked, to be recovered as aforesaid.

SECT. 5. *And be it further enacted*, That if any manufacturer or owner of Lime, or any other person employed by him, shall presume to brand any cask or casks of Lime, with the name of any other person or persons than of the real manufacturer or manufacturers, or the right owner or owners thereof, he or they shall incur the penalty of *Twenty Shillings* for every cask so marked or branded, to be recovered as aforesaid.

Appropriation.

SECT. 6. *And be it further enacted*, That all penalties and forfeitures arising by virtue of this Act, shall be—one moiety thereof to the use of the county in which the offences shall be committed, and the other moiety to him or them who shall inform and sue for the same.

Laws repealed.

SECT. 7. *And be it further enacted by the authority aforesaid*, That all laws heretofore made for regulating the sale of Lime, be and they hereby are repealed: *Provided nevertheless*, That nothing in the foregoing Act shall be construed to restrain any manufacturer of Lime or other person from retailing Lime by the bushel or other quantities not in casks.

[This Act passed February 26, 1794.]

An ACT for continuing an Act made in the Year of our LORD One thousand seven hundred and eighty-nine, entitled, " An Act to prevent the Destruction of the Fish called Shad and Alewives in *Mythic-River* (so called) within the Towns of *Cambridge*, *Charlestown* and *Medford*, and for repealing all Laws heretofore made for that Purpose," and also for extending the said Act to the Towns of *Woburn* and *Malden*.

[This Act passed *February 27, 1794.*]

An ACT for the Naturalization of *Henry Huetson* *Pentland*.

[This Act passed *February 27, 1794.*]

An ACT incorporating the Rector, Wardens and Vestry of the Episcopal Church in *Dedham*, for certain Purposes.

[This Act passed *February 27, 1794.*]

An ACT for incorporating certain Persons for building a Bridge over *Back-Cove-River*, between *Portland* and *Falmouth*, and for supporting the same.

[This Act passed *February 27, 1794.*]

An ACT for dividing and separating the Interest or Propriety in the Locks and Canals, opening and proposed to be opened on *Connecticut-River*, in the County of *Hampshire*, called the Upper and Lower Canals.

[This Act passed *February 27, 1794.*]

An ACT to prevent the taking of Fish near the Dam at the Canal at *South-Hadley-Falls*, in *Connecticut-River*.

[This Act passed *February 27, 1794.*]

An ACT for altering the Time of holding the Court of Common Pleas and General Sessions of the Peace within and for the County of *Bristol*, from the second Tuesday of *March*, and for establishing an additional Term for holding a Court of Common Pleas in said County.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Act, entitled, "An Act for determining at what times and places the several Courts of General Sessions of the Peace and the Courts of Common Pleas shall be holden, within and for the several counties within this Commonwealth, and for repealing all laws heretofore made for that purpose," so far as it respects the holding of the Courts of Common Pleas and General Sessions of the Peace, within and for the county of *Bristol*, on the second Tuesday of *March* annually, be and hereby is repealed.

Places where
Courts are to
be held.

Time of hold-
ing Courts.

SECT. 2. *And be it further enacted*, That from and after the passing this Act, there shall be a Court of Common Pleas and a Court of General Sessions of the Peace, holden at *Taunton*, within and for the said county of *Bristol*, on the third Tuesday of *April*, and a Court of Common Pleas on the second Tuesday of *December* annually, in addition to the term for said Courts on the second Tuesday of *September* annually, already provided by law.

Appeals, ac-
tions, &c.
when return-
able.

SECT. 3. *And be it further enacted by the authority aforesaid*, That all appeals already made, recognizances taken, or that may, before the second Tuesday of *March* next, be made, or taken to the aforesaid Court of General Sessions of the Peace, and all actions commenced, and all processes returned, or that may be returnable before the said second Tuesday of *March* next, and all appeals claimed, or which may be claimed, and all actions pending at the said Court of Common Pleas, which before the passing of this Act was to have been holden on the second Tuesday of *March* next, and all continuances to said Court from the Court of Common Pleas holden at said *Taunton*, within and for said county, on the second Tuesday of *September* last, shall be returnable to, entered, made, proceeded on, tried and determined agreeably to the true intent of such writ, process, recognizance, appeal or continuance, at the Courts to be holden at said *Taunton*, within and for said county, on the third Tuesday of *April* next.

[This Act passed February 27, 1794.]

An ACT to incorporate the Plantation of *Francisborough*, in the County of *York*, into a Town by the Name of *Cornish*.

[This Act passed February 27, 1794.]

An ACT to establish an Academy in the Town of *Portland* by the Name of *Portland Academy*, in the County of *Cumberland*, and to create a Corporation of Trustees for the same.

[This Act passed *February 27, 1794.*]

An ACT in Addition to the Act for the Limitation of Personal Actions, and for avoiding Suits at Law, passed the thirteenth Day of *February*, One thousand seven hundred and eighty-seven.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That any action of the case, or of debt grounded upon any lending or contract, or for arrearages of rent actually declared upon in a proper writ, returnable according to law, purchased therefor before the first day of *December* last, or which has been, or which shall be so actually declared in, within the term of six years next after the cause of such action accrued, shall be deemed and taken to be duly commenced and sued within the meaning of said Act, for the limitation of personal actions, and for avoiding suits at law.

Actions of the case, &c. how commenced.

SECT. 2. *And be it further enacted,* That any action which hath been, or which shall be actually declared in as aforesaid, and in which the writ purchased therefor has failed of a sufficient service or return, by any unavoidable accident, or by the default, negligence or defect of any Officer to whom such writ was or shall be duly directed, or when such writ shall be abated, or the action thereby commenced, shall be avoided by demurrer, or otherwise, for informality of proceedings; then, and in any such case, the plaintiffs or plaintiff, or his or her Executor or Administrator, may commence another action upon the same demand, and shall thereby save the limitation thereof, any thing in the said Act, for the limitation of personal actions, and for avoiding suits at law, to the contrary notwithstanding. *Provided,* That such second action shall be duly commenced by declaring in the same aforesaid, and pursued at the next Court of Common Pleas of the county in which trial of the cause may be had, or within three months next after the Court whereto such former writ was or shall be returnable, or wherein judgment of abatement or other avoidance of such suit shall happen, and not afterwards.

Actions.

Proviso.

SECT. 3. *And be it further enacted,* That any action of the case, or of debt, grounded upon any lending or contract, or for arrearage of rent which might have been, or which may be sued and prosecuted by or against any person deceased, or

Term of suing deceased estates.

who shall decease, at the time of his or her death, or within thirty days next preceding, shall and may be commenced by declaring in the same as aforesaid, and sued by or against the Executor or Administrator of such deceased person, within two years after the grant of letters testamentary or of administration, and not afterwards, if otherwise barred by the said Act, for the limitation of personal actions, and for avoiding suits at law, any thing which may be supposed therein to the contrary notwithstanding.

Debt on simple
contract.

SECT. 4. *And be it further enacted*, That in any action brought or which shall be brought, for any debt upon simple contract or promise, in writing, not under seal, the defendant therein may give in evidence upon the general issue, his or her demands against the plaintiff, for goods delivered, monies paid, or services done, whereof an account shall be duly filed in the Clerk's office of the Court whereto such action is or shall be brought, seven days, and before a Justice, four days at least, preceding the time of trial. And in all cases of mutual demands as aforesaid, the account of the defendant, if any time of limitation shall be objected thereto by the plaintiff, shall be considered and allowed as if an action had been duly commenced thereon, by declaring in the same, at the time when the plaintiff's action was or shall be commenced, any law, usage or custom to the contrary notwithstanding.

[This Act passed *February 27, 1794.*]

An ACT for raising the Sum of *Eight Thousand Pounds* for the Purpose of erecting a Building for the Use of the University at *Cambridge*.

[This Act passed *June 14, 1794.*]

An ACT dividing the Town of *Hallowell*, in the County of *Lincoln*, into three Parishes, and for incorporating the same.

[This Act passed *June 14, 1794.*]

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *Merrimack-River*, between the Towns of *Haverhill* and *Newbury*, in the County of *Essex*, and for supporting the same.

[This Act passed *June 14, 1794.*]

An ACT for incorporating certain Persons by the Name of *The Boston Library Society*.

[This Act passed June 17, 1794.]

An ACT in Addition to an Act, entitled, "An Act for the Distribution of insolvent Estates."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That whenever any Executor of the last will, or Administrator upon the estate of any person deceased, or that may hereafter decease, already appointed, or that may hereafter be appointed, shall neglect to exhibit and settle his account of administration with the Judge of Probate, where the estate has been represented insolvent, and Commissioners have reported to the Judge a list of claims within six months after such report shall be made to the Judge, or within such further time as the Judge of Probate shall think proper to allow therefor, under his hand and seal, so that by such refusal or neglect, the Judge cannot proportion the estate among the creditors; any creditor to such estate may commence and prosecute any action, or prosecute any action then already commenced and depending for his demand against such Executor or Administrator; and the Court before whom such action may be depending, shall and may proceed to hear and determine the same, and to give judgment therein, and award execution thereon, in the same manner as if such estate had not been represented insolvent; any thing to the contrary, in the Act to which this is an addition, or any other Law, notwithstanding. And upon the return of such execution, duly made, that the Executor or Administrator refused or neglected, upon due request, to satisfy the same, such refusal or neglect shall be deemed waste, and upon *Scire Facias* brought, judgment shall and may be given in favour of such creditor, to recover his debt, with costs, against the proper goods or estate of such Executor or Administrator, and for want thereof, against his body. And if, in consequence of such refusal, or neglect, the real estate of the deceased shall be exposed to be, and shall in fact be levied upon and taken to satisfy such execution, it shall, in like manner, be deemed waste in the Executor or Administrator upon such estate.

Creditors may commence and prosecute actions, in case of neglect of Executors, &c.

[This Act passed June 20, 1794.]

An ACT to incorporate the Plantation of *Unity* (so called) in the County of *Lincoln*, into a Town by the Name of *New-Sharon*.

[This Act passed June 20, 1794.]

An

An ACT to set off *Eliphalet Leonard*, Esquire, and others, from the second to the first Parish in *West-Springfield*.

[This Act passed June 20, 1794.]

An ACT for incorporating a Number of the Inhabitants of the Towns of *Brunswick* and *Harpfswell*, in the County of *Cumberland*, and *Bath*, in the County of *Lincoln*, into a distinct and separate religious Society.

[This Act passed June 20, 1794.]

An ACT for apportioning and assessing the Sum of *Forty Thousand and Forty-Seven Pounds Fifteen Shillings*, to answer the Exigencies of Government; and also *Five Thousand and Twenty Pounds Six Shillings*, to replace the same Sum, drawn out of the Treasury of this Commonwealth, to pay the Members of the House of Representatives for their Attendance the three last Sessions of the General Court, from the twenty-ninth Day of *May*, One thousand seven hundred and ninety-three, to the twenty-seventh Day of *February*, One thousand seven hundred and ninety-four, inclusive.

[This Act passed June 21, 1794.]

An ACT for naturalizing *Thomas Neil*, *Robert Getty*, and *Robert Holt*.

[This Act passed June 24, 1794.]

An ACT in Addition to, and for the Amendment of an Act made and passed in the Year of our LORD One thousand seven hundred and eighty-one, entitled, "An Act for incorporating the Proprietors of the House erected for the Public Worship of God, called the Tabernacle, in *Salem*, where the Rev. *Nathaniel Whitaker* now officiates."

[This Act passed June 24, 1794.]

An ACT to establish a College in the Town of *Brunswick*, in the District of *Maine*, within this Commonwealth.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there be erected and established in the Town of *Brunswick*, in the district of *Maine*, a College for the purpose of educating youth, to be called and known by the name of *Bowdoin-College*, to be under the government and regulation of two certain bodies politic and corporate, as hereafter in this Act is provided. College established.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the Rev. *Thomas Brown*, Rev. *Samuel Dean*, D. D. *John Frothingham*, Esq. Rev. *Daniel Little*, Rev. *Thomas Lancaster*, Hon. *Josiah Thacher*, and *David Mitchell*, Esquires, Rev. *Trisbram Gilman*, Rev. *Alden Bradford*, *Thomas Rice*, Esq. and Mr. *William Martin*, together with the President and Treasurer of the said College, for the time being, to be chosen as in this Act is hereafter directed, be and hereby are created a body politic and corporate, by the name of *The President and Trustees of Bowdoin College*, and that they and their successors, and such others as shall be duly elected members of the said Corporation, shall be and remain a body politic and corporate, by that name forever. Persons incorporated as Trustees.

SECT. 3. *And be it further enacted by the authority aforesaid,* That for the more orderly conducting the business of the said Corporation, the President and Trustees shall have full power and authority, from time to time, to elect a Vice-President and Secretary of the said Corporation, and to declare the tenures and duties of their respective offices; and also to remove any Trustee from the same Corporation, when, in their judgment, he shall be rendered incapable by age, or otherwise, of discharging the duties of his office, or shall neglect or refuse to perform the same; and to fill up all vacancies in the said Corporation, by electing such persons for Trustees as they shall judge best: *Provided nevertheless,* That the number of the said Trustees, including the President and Treasurer of the said College, for the time being, shall never be greater than thirteen, nor less than seven. Their powers.

SECT. 4. *And be it further enacted,* That the said Corporation may have one common seal, which they may change, break or renew at their pleasure; and that all deeds signed and delivered by the Treasurer, and sealed with their seal, by order of the President and Trustees, shall, when made in their corporate name, be considered in law as the deeds of the said Corporation; and that the said Corporation may sue and be sued in all actions, real, personal or mixed; and may prosecute and defend the same to final judgment and execution, by the name of Proviso.
All transactions in their name, to be legal.

of *The President and Trustees of Bowdoin-College*; and that the said Corporation shall be capable of having, holding and taking, in fee simple, or any less estate, by gift, grant, devise, or otherwise, any lands, tenements, or other estate, real or personal: *Provided nevertheless*, That the annual clear income of the same shall not exceed the sum of *Ten Thousand Pounds*.

Proviso.

Authorized
to appoint
meetings,
Officers,
&c.

SECT. 5. *And be it further enacted by the authority aforesaid*, That the said Corporation shall have full power and authority to determine at what times and places their meetings shall be holden, and on the manner of notifying the Trustees to convene at such meetings, and also, from time to time, to elect a President and Treasurer of the said College, and such Professors, Tutors, Instructors, and other Officers of the said College as they shall judge most for the interest thereof, and to determine the duties, salaries, emoluments and tenures of their several offices aforesaid: (The said President for the time being, when elected and inducted into his office, to be, *ex officio*, President of the said Corporation) and also to purchase, or erect and keep in repair such houses and other buildings as they shall judge necessary for the said College; and also to make and ordain, as occasion may require, reasonable rules, orders and by-laws, not repugnant to the laws of this Commonwealth, with reasonable penalties, for the good government of the said College; and also to determine and prescribe the mode of ascertaining the qualifications of the students requisite to their admission; and also to confer such degrees as are usually conferred by Universities established for the education of youth; and a majority of the members of said Corporation, present at any legal meeting, shall decide all questions which may properly come before the said Trustees: *Provided nevertheless*, That no corporate business shall be transacted at any meeting, unless seven, at least, of the Trustees are present: *And provided further*, That the said Corporation shall confer no degrees other than those of Bachelor of Arts and Master of Arts, until after the first day of *January*, which will be in the year of our Lord one thousand eight hundred and ten.

Proviso.

Appropriation.

SECT. 6. *And be it further enacted by the authority aforesaid*, That the clear rents, issues and profits of all the estate, real and personal, of which the said Corporation shall be seized or possessed, shall be appropriated to the endowment of the said College, in such manner as shall most effectually promote Virtue and Piety, and the knowledge of such of the Languages, and of the useful and liberal Arts and Sciences, as shall hereafter be directed, from time to time, by the said Corporation.

And more effectually to provide for the wise and regular government of the said College, and for the prudent administration of the funds belonging to it, by establishing a supervising body with proper powers;

SECT.

SECT. 7. *Be it further enacted by the authority aforesaid,* That no election made by the said Corporation, either of Trustees to fill up vacancies, or of President or Treasurer of the said College, or of any other officer of the said College, nor any vote or order of the said Corporation to remove any Trustee or any officer of the said College, or to purchase or erect any house or other building for the said College, or to determine what officers shall be established for the said College, or the duties, salaries, emoluments or tenures of such offices, or for the appropriation of any of their funds or monies, or for the acceptance of any estate, when the donation thereof was made upon condition, or for determining the qualifications for the Students requisite to their admission, or for the conferring of any degrees, or for the making, altering, amending or repealing any rules, orders or by-laws for the government of the said College, shall have any force, effect or validity, until the same shall have been agreed to by the Overseers of said *Bowdoin College* hereafter in this Act created.

No transaction of the Corporation to have any effect, unless agreed to by the Overseers.

SECT. 8. *And be it further enacted by the authority aforesaid,* That the Hon. *Josiah Thacher*, Esq. be and he is hereby authorized and empowered to fix the time and place for holding the first meeting of the said Trustees, and to notify each of said Trustees thereof, in writing.

Josiah Thacher, Esq. authorized.

And for the establishing of the supervising body with proper powers above mentioned ;

SECT. 9. *Be it further enacted by the authority aforesaid,* That *Edward Cutts*, *Thomas Cutts*, *Symon Frye*, *David Sewall* and *Nathaniel Wells*, Esquires, *Rev. Moses Hemmenway*, D. D. *Rev. Silas Moody*, *Rev. John Thompson*, *Rev. Nathaniel Webster*, *Rev. Paul Coffin*, *Rev. Benjamin Chadwick*, *Rev. Samuel Eaton*, *Rev. Samuel Foxcroft*, *Rev. Caleb Jewett*, *Rev. Alfred Johnson*, *Rev. Elijah Kellog*, *Rev. Ebenezer Williams*, *Rev. Charles Turner*, *Daniel Davis*, *Samuel Freeman*, *Joshua Fabyan*, *William Gorham*, *Stephen Longfellow*, *Joseph Noyes*, *Isaac Parsons*, *Robert Southgate*, *John Wait*, *Peleg Wadsworth*, and *William Wedgery*, Esquires, *Rev. Ezekiel Emerson*, *Jonathan Ellis*, *Jonathan Bowman*, *Edmund Bridge*, *Daniel Cony*, *Henry Dearborn*, *Dummer Sewall*, *Samuel Thompson*, *John Dunlap*, *Francis Winter*, *Nathaniel Thwing*, *Alexander Campbell*, and *Paul Dudley Sargeant*, Esquires, together with the President of the College, and the Secretary of the Corporation, first created in this Act, for the time being, be and they are hereby created a body politic and corporate, by the name of *The Overseers of Bowdoin College*, and that they, their successors, and such others as shall be duly elected into the said Corporation of Overseers, shall be and remain a body politic and corporate, by that name forever.

Overseers incorporated.

SECT. 10. *And be it further enacted by the authority aforesaid,* That the Members of the said Corporation of Overseers may have one common seal, which they may change, break and re-
new

may have a seal, and prosecute and defend.

new at their pleasure, and that they may sue or be sued, prosecute and defend unto final judgment and execution, by the name of *The Overseers of Bowdoin College*.

Corporation
empowered
for the orderly
conducting the
business.

Proviso.

SECT. 11. *And be it further enacted by the authority aforesaid,* That for the orderly conducting the business of the said last mentioned Corporation, the Members thereof shall have full power, from time to time, as they shall determine, to elect a President, Vice-President and Secretary, and to fix the tenures and duties of their respective offices; and also, to determine at what times and places their meetings shall be holden, and upon the manner of notifying the Overseers to convene at such meetings; and also to remove any Overseer from the said Corporation when, in their judgment, he shall be rendered incapable, by age or otherwise, or shall neglect or refuse to discharge the duties of his office, and also to fill up all vacancies in the said Corporation of Overseers, by electing such persons for Overseers as they shall judge best qualified therefor; and a majority of the members present, at any legal meeting, shall decide all questions which may properly come before the said Overseers: *Provided nevertheless,* That the number of the said Overseers, including the President of the College, and the Secretary of the Corporation last above created, shall never be greater than forty-five, nor less than twenty-five.

Overseers shall
have power to
agree or not,
respecting any
transactions of
the President
and Trustees.

Proviso.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the Overseers of said *Bowdoin College* shall have power to agree or disagree to any election, vote, order or act of the President and Trustees of said College, where the agreement of the said Overseers is made necessary by this Act to give force, effect and validity to such election, vote, order or act; and they are hereby directed to notify the said President and Trustees of such agreement or disagreement, in convenient time thereafter; and the said Overseers are also empowered to call upon any Treasurer of the said College, his Executors and Administrators, to render to them a just and true account of all the doings of such Treasurer, in his said office, as often as the said Overseers shall direct. *Provided nevertheless,* That no corporate business shall be transacted at any meeting of the Overseers aforesaid, unless fifteen of them, at the least, are present.

Treasurer to
give bond.

SECT. 13. *And be it further enacted by the authority aforesaid,* That the Treasurer of the said College shall, before he enter upon the execution of the duties of his office, give bond to the said Overseers, in such penalty, and with such sureties, as they shall approve of, conditioned for the faithful discharge of the duties of the said office, and for rendering a just and true account of his doings therein, when required, and that all the monies, securities, and other property of the President and Trustees of *Bowdoin College*, together with all the books in which his accounts and proceedings, as Treasurer, were entered and kept, that appertain to his office of Treasurer as aforesaid,

said, shall, upon demand made upon him, his Executors or Administrators, be paid and delivered over to his successor in that office ; and all monies to be recovered by virtue of any suit at law, upon such bond, shall be paid over to the President and Trustees aforesaid, and subjected to the appropriations above directed in this Act.

SECT. 14. *And be it further enacted by the authority aforesaid,* That no Trustee of the said College, excepting the President and Secretary, first above mentioned, shall be an Overseer of the said College ; and if any Trustee (excepting as aforesaid) shall be chosen an Overseer, he shall cease to be a Trustee immediately, upon his accepting the place of an Overseer ; and if any Overseer of the said College (excepting as aforesaid) shall hereafter be elected a Trustee, he shall cease to be an Overseer, upon his accepting the place of a Trustee.

Places of Trustee and Overseer cannot be held together.

SECT. 15. *And be it further enacted by the authority aforesaid,* That the Hon. DAVID SEWALL, Esq. be, and he hereby is authorized and empowered to fix the time and place of the first meeting of the Overseers of said *Bowdoin College*, and to notify the said Overseers thereof, by publishing the same three weeks successively in each of the *Portland* newspapers ; the last publication to be made three weeks, at the least, before the time fixed for the said meeting.

David Sewall, Esq. authorized to call first meeting.

SECT. 16. *And be it further enacted by the authority aforesaid,* That the Legislature of this Commonwealth may grant any further powers to, or alter, limit, annul or restrain any of the powers by this Act vested in the said Corporation, as shall be judged necessary to promote the best interests of the said College.

Legislature to alter or restrain powers of the Corporation.

SECT. 17. *And be it further enacted by the authority aforesaid,* That there be and hereby is granted five townships of land, of the contents of six miles square each, to be laid out and assigned from any of the unappropriated lands belonging to this Commonwealth, in the district of *Maine*, the same to be vested in the Trustees of *Bowdoin College*, and their successors forever, for the use, benefit and purpose of supporting the said College, to be by them holden in their corporate capacity, with full power and authority to settle, divide, and manage the same townships, or any part thereof, or to sell, convey, and dispose of the same in such way and manner as shall best promote the welfare of said College, the same to be laid out under the direction of the Committee for the sale of eastern lands, and a plan or plans thereof returned into the Secretary's office : *Provided*, The Trustees aforesaid, or their assigns, shall cause to be settled fifteen families in each of said townships within twelve years from the passing this Act : *And provided also*, There shall be reserved in each township three lots of three hundred and twenty acres each, for the following uses, *viz.* one lot for the first settled Minister—one lot for the use of the Ministry—and one lot for the use of schools in each of said townships, [This Act passed June 24, 1794.]

Lands granted to the Trustees to be at their disposal.

Proviso.

EPISCOPAL CHURCH, &c. June 25, 26, An. 1794.

An ACT to incorporate the Episcopal Church in
Cambridge (so called) for certain Purposes.

[This Act passed June 25, 1794.]

An ACT setting off the west Precinct of the Town
of *Pownalborough*, into a separate Town by the
Name of *Dresden*.

[This Act passed June 25, 1794.]

An ACT setting off the north Precinct of the Town
of *Pownalborough*, into a separate Town by the
Name of *New-Milford*.

[This Act passed June 25, 1794.]

An ACT for incorporating certain Persons into a
Society by the Name of *The Massachusetts Charitable Fire Society*.

[This Act passed June 25, 1794.]

An ACT to annex a Gore of Land in the County of
Worcester, known by the Name of *Middlesex-Gore*,
lying between the Towns of *Dudley* and *Sturbridge*,
in this Commonwealth, and the Town of *Woodstock*,
in the State of *Connecticut*, partly to the Town
of *Dudley*, and partly to the Town of *Sturbridge*.

[This Act passed June 25, 1794.]

An ACT to incorporate a Number of Inhabitants in
the Town of *Sutton*, into a Society by the Name of
The first Congregational Society in Sutton.

[This Act passed June 25, 1794.]

An ACT incorporating a Number of the Inhabitants
of the Town of *Topsham*, in the County of *Lincoln*,
into a distinct and separate religious Society.

[This Act passed June 26, 1794.]

An

An ACT ratifying an Amendment in the Constitution of the United States, proposed by the two Houses of Congress, to the Legislatures of the several States.

WHEREAS the Senate and House of Representatives of the United States did, on the second day of *December*, one thousand seven hundred and ninety-three, Resolve, (two thirds of both Houses concurring) "That the following Article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States; which, when ratified by three fourths of the said Legislatures, shall be valid as part of the said Constitution;" viz. "The Judicial Power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States, by citizens of another State, or by citizens or subjects of any foreign State:"

Article proposed to be amended.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said amendment, be and it is hereby agreed to, ratified and confirmed, on the part of this Commonwealth, to become valid as part of the Constitution of the United States, as soon as the same shall be ratified by three fourths of the Legislatures of the several States.

Ratified and confirmed.

[This Act passed June 26, 1794.]

An ACT to incorporate certain Persons by the Name of *The north-west Congregational Society in North-Yarmouth.*

[This Act passed June 26, 1794.]

An ACT to suspend the Operation of an Act, entitled, "An Act ascertaining the Quality of Stone-Lime, and the Size of Lime Casks, and for repealing all Laws heretofore made relative thereto."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the operation of the said Act be and it hereby is suspended till the fifteenth day of August next.

Act suspended.

[This Act passed June 27, 1794.]

An ACT to repeal all Laws of this Commonwealth imposing Duties and Excise on Carriages, and inflicting Penalties for selling Wines and foreign distilled Spirits, so far as the same respect said Matters:

[This Act passed June 27, 1794.]

Addit. Act,
June 16, 1796.

An ACT for dividing the Commonwealth into Districts for the Choice of Representatives in the Congress of the United States, and prescribing the Mode of Election.

WHEREAS it is important to provide by law for a Representation of the people of this Commonwealth in the Congress of the United States, founded upon the principle of equality :

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That this Commonwealth be and hereby is divided into fourteen Districts, as in this Act defined and described ; in each of which, one Representative, being an inhabitant of the District for which he shall be elected, shall be chosen in the manner herein after prescribed.

SECT. 2. *And be it enacted by the authority aforesaid,* That the said fourteen Districts shall be formed and limited in manner following, *viz.*

The towns, districts and plantations in the county of *Berkshire*, together with the towns of Rowe, Cummington, Plainfield, Worthington, Hawley and Charlemont, in the county of *Hampshire*, shall constitute one District, to be called THE FIRST WESTERN DISTRICT.

The following towns in the county of *Hampshire*, *viz.* Westfield, Russell, Hatfield, Deerfield, Northampton, Blanford, Southampton, Greenfield, Gill, Granville, Chesterfield, Conway, Ashfield, Southwick, Williamsburgh, Whately, Norwich, West-Springfield, Westhampton, Montgomery, Colerain, Barnardston, Shelburne, Goshen, Leyden, Northfield, Montague, Sunderland, Hadley, Chester, Buckland, Heath, Middlefield and Easthampton, shall constitute one District, to be called THE SECOND WESTERN DISTRICT.

The following towns in the county of *Hampshire*, *viz.* Brimfield, Pelham, Palmer, New-Salem, Greenwich, Amherst, Monson, Belchertown, Shutesbury, Ware, Springfield, South-Brimfield, Holland, Warwick, Orange, Wilbraham, Granby, Leverett, Wendell, Long-Meadow, Ludlow, South-Hadley, together with the following towns in the county of *Worcester*, *viz.* Western, Petersham, New-Braintree, Barre, Sturbridge, Athol, Templeton, Royalston, Gerry, Winchendon, Gardner and Hardwick, shall constitute one District, to be called THE THIRD WESTERN DISTRICT.

The following towns in the county of *Worcester*, *viz.* Mendon, Brookfield, Oxford, Worcester, Leicester, Rutland, Sutton, Uxbridge, Shrewsbury, Dudley, Grafton, Upton, Holden, Leominster, Lancaster, Douglas, Spencer, Charlton, Oakham, Paxton, Hubbardston, Westminster, Princeton, Northbridge, Ward,

Ward, Milford, Sterling and Boylston, shall constitute one District, to be called THE FOURTH WESTERN DISTRICT.

The towns, districts and plantations in the counties of *Barnstable*, *Nantuket* and *Dukes'-County*, together with the towns of Wareham and Rochester in the county of *Plymouth*, and the towns of New-Bedford and Dartmouth in the county of *Bristol*, shall constitute one District, to be called THE FIRST SOUTHERN DISTRICT.

The following towns in the county of *Plymouth*, viz. Plymouth, Scituate, Duxbury, Marshfield, Bridgewater, Middleborough, Plympton, Pembroke, Abington, Kingston, Hanover, Halifax, Carver, with the towns of Hingham and Hull, in the county of *Suffolk*, and the following towns in the county of *Norfolk*, viz. Cohasset, Braintree, Quincy, Randolph, Weymouth and Milton, shall constitute one District, to be called THE SECOND SOUTHERN DISTRICT.

The following towns in the county of *Bristol*, viz. Taunton, Rehoboth, Swansey, Freetown, Attleborough, Norton, Dighton, Easton, Raynham, Berkley, Mansfield, Westport and Somerset, with the following towns in the county of *Norfolk*,—Foxborough, Wrentham, Franklin, Medfield, Dover, Walpole, Stoughton and Bellingham, shall constitute one District, to be called THE THIRD SOUTHERN DISTRICT.

The town of Boston, in the county of *Suffolk*, with the following towns in the county of *Norfolk*,—Roxbury, Dorchester, Brookline, Sharon, Dedham, Needham and Medway, with the following towns in the county of *Middlesex*,—Newton, Weston, Eastfildbury, Natick, Sherburne, Hopkinton and Holliston, shall constitute one District, to be called THE FIRST MIDDLE DISTRICT.

The following towns in the county of *Middlesex*,—Charlestown, Cambridge, Watertown, Concord, Sudbury, Groton, Marlborough, Framingham, Dunstable, Stow, Lexington, Littleton, Westford, Townsend, Acton, Dracutt, Chelmsford, Waltham, Shirley, Pepperell, Lincoln, Ashby, Carlisle, Boxborough and Tyngsborough, together with the following towns in the county of *Worcester*, viz. Ashburnham, Fitchburg, Lunenburg, Harvard, Westborough, Bolton, Berlin, Northborough and Southborough, shall constitute one District, to be called THE SECOND MIDDLE DISTRICT.

The following towns in the county of *Essex*,—Salem, Marblehead, Lynn, Lynnfield, Danvers, Middleton, Beverly, Manchester, with the following towns in the county of *Middlesex*, Reading, Stoneham, Medford, Malden, Tewksbury, Wilming-ton, Woburn, Bedford, Billerica, with the town of Chelsea from the county of *Suffolk*, shall constitute one District, to be called THE THIRD MIDDLE DISTRICT.

The

The following towns in the county of *Essex*,—Salisbury, Almsbury, Methuen, Haverhill, Andover, Bradford, Boxford, Newbury, Newbury-Port, Rowley, Ipswich, Hamilton, Wenham, Gloucester and Topsfield, shall constitute one District, to be called **THE FOURTH MIDDLE DISTRICT**.

The towns, districts and plantations in the counties of *Lincoln*, *Hancock* and *Washington* (except such towns and plantations in the county of *Lincoln* as are hereafter made a part of the second Eastern District) shall constitute one District, to be called **THE FIRST EASTERN DISTRICT**.

The towns, districts and plantations in the county of *Cumberland* (except the towns of Bridgton, Standish and Flintstown) together with the following towns and plantations in the county of *Lincoln*, viz. Topsham, Winthrop, Readfield, Bath, Bowdoin, Green, Monmouth, Mount-Vernon, Sandwich, Livermore and Rocomeco, mouth of Sandy-River, Sandy-River, No. 1, Sandy-River, No. 2, Sandy-River, No. 3, and Seven Mile Brook, Twenty-Five Mile Pond, Titcomb Town, and Little River, and all other towns and plantations which lie wholly on the western side of Kennebeck-River (except Bowdoinham, Sidney and Fairfield, which are made a part of the first Eastern District) in the county of *Lincoln*, shall constitute one District, to be called **THE SECOND EASTERN DISTRICT**.

The towns, districts and plantations in the county of *York*, together with Bridgton, Standish and Flintstown, in the county of *Cumberland*, shall constitute one District, to be called **THE THIRD EASTERN DISTRICT**.

Selectmen empowered to call meetings,

SECT. 3. *And be it further enacted*, That the Selectmen of the several towns and districts within this Commonwealth shall, in manner as the law directs for calling town-meetings, cause the inhabitants of their respective towns and districts, duly qualified to vote for Representatives in the General Court of this Commonwealth, to assemble on the first Monday of *November*, biennially, beginning in *November* next, to give in their votes for their respective Representatives to the Selectmen, who shall preside at said meeting; and the Selectmen, or the major part of them, shall, in open town-meeting, sort and count the votes, and shall form a list of the names of the persons voted for, with the number of votes for each person set against his name, and the Town-Clerk shall make a record thereof, and the Selectmen shall make public declaration in town-meeting of the names of the persons voted for, and of the number of votes they respectively have; and shall, in open town-meeting, seal up said list, certified by the Selectmen, and express upon the back of said list, the district in which the votes were given, and shall transmit the same within fourteen days next after such meeting to the Secretary of this Commonwealth,

Their duty respecting the votes.

or

or to the Sheriff of the county in which such town lies, who shall transmit the same to the Secretary of this Commonwealth within forty days next after said first Monday of *November*; and the Secretary shall lay the same before the Governor and Council; and in case of an election for any district by a majority of the votes returned from said district, the Governor is hereby requested forthwith to transmit to the person so chosen, a certificate of such choice, signed by the Governor, and countersigned by the Secretary.

SECT. 4. *And be it further enacted*, That the Selectmen of such towns and districts as lie within any county in which there is no Sheriff, shall return such list to the Secretary's office in the same term of time as Sheriffs are required to do; and in case no person shall be chosen by a majority of all the votes returned from any district, the Governor is hereby requested to cause precepts to issue to the Selectmen of the several towns and districts in such district, directing and requiring such Selectmen to cause the inhabitants of their respective towns and districts, as aforesaid, to assemble as aforesaid, on a day in such precept to be appointed, to give in their votes for a Representative in Congress, as aforesaid; which precept shall be accompanied with a list of persons voted for in such district, shewing the number of votes for each person according to the first return; and the same proceedings shall be had thereon in all respects as is before directed in this Act; and the Selectmen shall make return to the Secretary of this Commonwealth, or to the Sheriff, in manner as aforesaid, within fourteen days next after such meeting; and the Sheriff shall make return thereof into the Secretary's office, on or before such day as the Governor shall appoint in such precept; and the Secretary shall lay the same before the Governor and Council; and the Governor is hereby requested to cause the person or persons who shall be chosen as aforesaid, to be served with a certificate thereof as aforesaid; and the same proceedings shall be again had in case any district shall fail of completing the choice of their Representatives; and the Governor is requested to issue his precept accordingly to the Selectmen of those towns and districts, of such districts where the choice of Representatives shall not have been completed; and like proceedings shall be had as often as occasion may require.

SECT. 5. *And be it further enacted by the authority aforesaid*, That it shall be the duty of the Sheriffs, in the several counties of this Commonwealth, on receiving copies of this Act, or any precept from the Governor for the purposes mentioned therein, to transmit the same seasonably to the Selectmen of the several towns and districts within their several counties to whom they may be respectively directed. And the several Sheriffs shall, for the said service, be entitled to receive, out of the treasury of this Commonwealth, double the sum which

Precepts to be
issued in case of
no choice.

Duty of Sher-
iffs.

Compensation
to be made
them for their
services.

they are allowed by law for dispersing proclamations; and for returning the votes as aforesaid, *One Shilling* per mile, computing from the place of abode of each Sheriff to the Secretary's office.

Forfeiture,
in case of
neglect.

SECT. 6. *And be it further enacted*, That any Sheriff who shall neglect to perform the duties which by this Act he is directed to perform, shall, for each neglect, forfeit and pay, to the use of the Commonwealth, the sum of *Six Hundred Pounds*, to be recovered by action of debt, for which it shall be the duty of the Attorney-General to prosecute within one year next after such neglect. And if any Selectmen shall neglect to perform any of the duties which by this Act they are required to do and perform, each Selectman so neglecting, shall forfeit and pay a sum not exceeding *Fifty Pounds*, nor less than *Five Pounds*, to be recovered in any Court proper to try the same, one moiety to the prosecutor, and the other moiety to the use of the Commonwealth.

Selectmen lia-
ble in case of
neglect.

Affessors em-
powered
where there
are no Select-
men.

SECT. 7. *And be it further enacted*, That in those districts and plantations where there may be no Selectmen, the Assessors of such districts and plantations shall have the same powers, and perform the same duties, for the purposes of this Act, as are herein above given to, or required of Selectmen, and shall incur the same penalty in case of neglect.

Extension of
this Act limit-
ed.

SECT. 8. *And be it further enacted by the authority aforesaid*, That this Act shall be construed to extend to those plantations only which have chosen or shall choose Assessors to assess the public taxes set to them in the Tax-Act passed the present session of the General Court, or that shall be set to them hereafter in the Tax-Act next preceding the several elections.

SECT. 9. *And be it further enacted*, That this Act shall continue and be in force until a new apportionment of Representatives among the several States shall be made.

[This Act passed June 27, 1794.]

An ACT for incorporating certain Land in *Dedham* and *Sbaron*, in the County of *Norfolk*, into a common Field.

[This Act passed January 22, 1795.]

An ACT for repealing an Act, made and passed in the Year of our LORD One thousand six hundred and ninety-two, entitled, "An Act for punishing criminal Offenders," and for re-enacting certain Provisions therein.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,*

same, That the said Act be and hereby is repealed, and made Act repealed.
wholly null and void.

SECT. 2. *And be it further enacted by the authority aforesaid,* That every Justice of the Peace, within the county for which he may be commissioned, may cause to be staid and arrested, all affrayers, rioters, disturbers, or breakers of the peace, and such as shall ride or go armed offensively, to the fear or terror of the good citizens of this Commonwealth, or such others as may utter any menaces or threatening speeches, and upon view of such Justice, confession of the delinquent, or other legal conviction of any such offence, shall require of the offender to find sureties for his keeping the peace, and being of the good behaviour; and in want thereof, to commit him to prison until he shall comply with such requisition: And may further punish the breach of the peace in any person that shall assault or strike another, by fine to the Commonwealth, not exceeding *Twenty Shillings*, and require sureties, as aforesaid, or bind the offender to appear and answer for his offence at the next Court of General Sessions of the Peace, as the nature or circumstances of the case may require.

Justices of the
Peace empow-
ered.

[This Act passed January 29, 1795.]

An ACT to set off *William Goodspeed*, with his Estate, from the Town of *Washington*, in the County of *Berkshire*, and annex him and his Estate to the Town of *Lenox*, in the same County.

[This Act passed January 31, 1795.]

An ACT to incorporate *Valentine Rathburn*, and others, Inhabitants of the Town of *Pittsfield*, into a religious Society by the Name of *The Baptist religious Society in the Town of Pittsfield*.

[This Act passed February 10, 1795.]

An ACT for incorporating certain Persons therein named by the Name of *The Trustees of the Church and Congregation in the second Precinct in Pembroke*.

[This Act passed February 10, 1795.]

An ACT for erecting and maintaining a Bridge over *Westfield-River*, in the Town of *Norwich*, in the County of *Hampshire*.

[This Act passed February 10, 1795.]

An ACT to ascertain the Jurisdiction and Limits of the Counties of *Suffolk* and *Middlesex*, over and upon *Charles'-River*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the*

Jurisdiction of the counties. *same, That the jurisdiction of the counties of Suffolk and Middlesex shall be in common, in, over and upon the waters of Charles'-River, that is to say, in, over and upon all that space which lies within the banks of said river, so far forth as the said River runs, between the present limits of the said counties. And that all crimes and misdemeanours which shall hereafter be done and committed within the banks of the said River, as above described, may and shall be inquired into, heard, tried and adjudged, in either of the said counties wherein any legal process against the offender shall be first had and issued; and this without any inquiry, whether the fact has been done or committed on board any vessel or boat, between high-water and low-water mark; or whether the vessel or boat was afloat or grounded, in like manner and form, in every respect, as if the same had been done and committed in any other part of either of the said counties.*

Civil processes. SECT. 2. *And be it further enacted by the authority aforesaid, That all legal, civil processes, from either county, may run in-to, and be executed within the afore-described common jurisdiction.*

Sign-posts to be erected. SECT. 3. *And be it further enacted, That the line of jurisdiction, civil and criminal, between the said counties, over and upon the two great Bridges, erected over the said River, shall be in the middle of each Bridge; to be ascertained by an ad-measurement, to be made by the Sheriffs of the said counties, who shall cause the same to be marked out, by erecting two posts on each side of the Bridges, on the side of the foot-way or passage, connected by an arch, on the upper part of which shall be printed the word "*Suffolk*," on the *Suffolk* side thereof, and the word "*Middlesex*," on the *Middlesex* side thereof, so as to be easily and plainly legible; the expense of which shall be paid equally by the said counties.*

[This Act passed February 10, 1795.]

An ACT authorizing *David Morley*, of *West-Springfield*, in the County of *Hampshire*, to build a Toll-Bridge over *Westfield-River*, in said County, and to enable him to support the same.

[This Act passed February 10, 1795.]

An ACT incorporating certain Persons for erecting a Bridge over *Damarascotti-River*, in the County of *Lincoln*.

[This Act passed February 11, 1795.]

An ACT to incorporate a certain Tract of Land in the County of *Cumberland* into a Town by the Name of *Poland*.

[This Act passed February 17, 1795.]

An ACT to incorporate the Plantation of *Smithfield*, in the County of *Lincoln*, into a Town by the Name of *Litchfield*.

This Act passed February 18, 1795.]

An ACT to incorporate the Plantation of *Lewis-town*, and the *Gore* (so called) adjoining, in the County of *Lincoln*, into a Town by the Name of *Lewiston*.

[This Act passed February 18, 1795.]

An ACT to set off Part of the Town of *Newcastle*, in the County of *Lincoln*, and to annex the same to the Town of *New-Milford* in said County.

[This Act passed February 18, 1795.]

An ACT in Addition to an Act, entitled, "An Act concerning general and common Fields," passed in *February*, in the Year of our LORD One thousand seven hundred and eighty-six.

WHEREAS it is found necessary to make further provision for the due regulation and repairing of fences in common and general Fields :

Preamble.

SECT. I. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That whenever the fence around any general and common Field, belonging to any freholder, occupant, or improver of any land in such Field, shall become deficient and need repairing, the owner thereof shall immediately repair such defective fence, after being duly notified of such deficiency by any

Fences to be kept in repair.

In case of neglect, the owner subjected to double expense of repairing.

any Fence-Viewer, of the town wherein such Field lieth; and in case the owner thereof shall neglect to repair such defective fence for the space of three days, after due notice given thereof by any Fence-Viewer as aforesaid, it shall and may be lawful for any freeholder or occupier of any lands in such Fields, to repair such defective fence; and when the same shall be completed and adjudged sufficient by two or more of the Fence-Viewers of the town wherein such fence lieth, and the value thereof, together with the Fence-Viewers' fees, ascertained in writing, by them subscribed, the person who shall make up or repair such deficient fence shall have right to demand and receive of the occupier, lessor or freeholder of the land, who ought to make up or repair the same at his election, double the expense of making or repairing, surveying and viewing such fence; and in case of neglect or refusal to make payment thereof for the space of one month, after notice and demand made of the person against whom he shall make his election, to satisfy him therefor, he may sue for and recover the same by a special action of the case, with cost of suit, in any Court proper to try the same.

Preamble.

And whereas it often happens that fences around general and common Fields are blown down, carried away, or otherwise destroyed by sudden floods or tempest, and it is necessary the same should be immediately repaired to prevent the destruction of the grain and crops growing therein:

In case of destruction by accident, the owners to repair or become liable in the same penalties.

SECT. 2. *Be it therefore enacted*, That whenever any such fence shall be thus suddenly blown down, carried away, or destroyed, and the crops of grain or grass therein growing shall be thereby exposed to be immediately destroyed, the occupant or freeholder of the same, to whom the same fence belonged to repair, shall immediately repair the same; and in case of neglect for the space of twenty-four hours, after notice given him thereof by any Fence-Viewer as aforesaid, it shall and may be lawful for any freeholder or occupier of any lands in such Fields, to set up and sufficiently repair such fence; and when the same shall be completed and adjudged sufficient by two Fence-Viewers, or more, as aforesaid, and the value thereof, together with the Fence-Viewers' fees, ascertained in writing, as aforesaid, the person who shall set up or repair the same, shall have right to demand and receive of the occupier, lessor or freeholder of the land, who ought to make up and repair such fence at his election, double the sum thus ascertained as aforesaid, for the expense of setting up, repairing, surveying and viewing the same; and in case of neglect or refusal to make payment thereof for the space of one month as aforesaid, after demand made of the person against whom he shall make his election to receive the same, he may sue for and recover the same, with costs of suit, in manner as is before directed.

[This Act passed February 18, 1795.]

An ACT more effectually to prevent the Destruction of Shad and Alewives in the Rivers and Streams within the Towns of *Lynn, Reading and Lynnsfield.*

[This Act passed February 24, 1795.]

An ACT for dividing the Town of *Shapleigh* into two Parishes.

[This Act passed February 24, 1795.]

An ACT to incorporate *Simon Larned*, and others, for the Purpose of conveying Water, by Pipes, into the Centre of the Town of *Pittsfield*, by the Name of *The Proprietors of the Water-Works in the Middle of the Town of Pittsfield.*

[This Act passed February 25, 1795.]

An ACT for introducing the Dollar and its Parts as the Money of Account in this Commonwealth.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the first day of September next, the Money of Account of this Commonwealth shall be the *Dollar, Cent and Mille*; and all accounts in the public offices, and other public accounts, and all proceedings in the Courts of Justice, including Courts of Probate, shall be kept and had in conformity to this regulation. The money of Account established.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the forms of writs, or processes, or instruments used in the Courts of Justice, or Courts of Probate, or in any public office in this Commonwealth, in which any sum or sums are now required to be expressed in *Pounds, Shillings or Pence*, shall and may be altered to an equivalent sum in *Dollars*, and parts of a *Dollar*, expressed as above mentioned: *Provided*, That this Act shall not be understood to vitiate or nullify any account, charge or entry, originally made, or to be made, or any note, bond, or other instrument, expressed, or which shall be expressed, in any Money of Account, existing at the time of passing this Act; but the same shall be reduced to *Dollars* and parts of a *Dollar*, as herein before directed, in any suit or declaration thereupon. Forms of writs and instruments used in Courts, to be expressed agreeable to the alteration. Proviso.

SECT. 3. *And be it further enacted by the authority aforesaid,* That until the laws for establishing fees shall be revised and rendered

Present money
of Account le-
gal till the al-
teration is es-
tablished,

rendered conformable to the Money of Account intended by this Act to be introduced, it shall and may be lawful, in taxing any bill of cost, or giving any account or bill of fees in any case, by any public officer, to set down the particulars of such bill or account in the present Money of Account, the foot of said bill or account being reduced to the Money of Account by this Act established.

[This Act passed *February 25, 1795.*]

An ACT for the Explanation of an Act empowering the Selectmen of such Towns in this Commonwealth as are already, or may hereafter be provided with a Fire-Engine or Engines, to nominate and appoint Engine-Men, which passed *March* the fifteenth, *Anno Domini* One thousand seven hundred and eighty-five; and also for the Explanation of the Militia Law, which passed *June* the twenty-second, *Anno Domini* One thousand seven hundred and ninety-three.

Preamble.

WHEREAS by the Act first above mentioned, the persons nominated and appointed Engine-Men, in pursuance of the same Act, are excused from all military duty; and whereas Engine-Men are not specially exempted by the said Militia Law, by which doubts and law-suits may arise to the injury of the good people of this Commonwealth:

Engine-Men
excused from
military duty.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the persons nominated and appointed, or that may be appointed Engine-Men, in pursuance of the said Act, first above mentioned, be and hereby are excused from all military duty so long as they shall be continued in that employment, as fully as though specially exempted in the said Militia Act; and the said Laws ought to be construed so as to exempt the said Engine-Men, any thing in the said Militia Act to the contrary notwithstanding.

[This Act passed *February 25, 1795.*]

An ACT for establishing an Academy in the Town of *New-Salem*, by the Name of *New-Salem Academy*.

[This Act passed *February 25, 1795.*]

An ACT to incorporate the Plantation called *Phipps' Canada*, lying on both Sides *Androskoggin-River*, into a Town by the Name of *Jay*.

[This Act passed *February 26, 1795.*]

An ACT for appropriating *Twelve Thousand Pounds*, Part of Tax No. 11, to the Payment of Interest on the Funded and Consolidated Debt of this Commonwealth, and for other Purposes. See Act,
Feb. 24, 1796.

[This Act passed February 26, 1795.]

An ACT establishing an additional Term for holding a Court of Common Pleas and General Sessions of the Peace, within and for the County of *Middlesex*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, there shall be a Court of Common Pleas and a Court of General Sessions of the Peace, holden at Concord, within and for said county of Middlesex, on the third Tuesday of May, annually, in addition to those already established by law.

[This Act passed February 27, 1795.]

An ACT in Addition to an Act, entitled, "An Act providing for the Payment of Costs in criminal Prosecutions, and for preventing unnecessary Costs therein."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the*

same, That the charges of supporting prisoners, committed by due process of law, unable to support themselves, who have since the first day of May, one thousand seven hundred and ninety-three, now are, or hereafter may be confined in any gaol, upon charge, or conviction of crimes and offences committed against the said Commonwealth, shall be and hereby are made the proper charges thereof: Provided however, That in no case shall there be allowed by the Commonwealth more than at the rate of Five Shillings a week for any such prisoner, or more than the actual charges incurred for his support, being less than that sum: And the said charges shall be examined, allowed and paid as follows, to wit: The Gaol-Keeper of each gaol in the Commonwealth shall render, on oath, to the Court of General Sessions of the Peace of the county, at each term thereof, an account of the charges incurred for the support of prisoners in the respective gaols, committed as aforesaid, stating therein the time when each prisoner was committed, for what offence, how long held, and when discharged (if discharged) and shall exhibit the warrants of commitment and discharge, and leave copies thereof with the said Court; and

Prisoners supported by the Commonwealth.

Proviso.

and in the same account, the said Gaol-Keeper shall credit all monies and effects whatever, received, or to be received of the prisoner, or of any persons on his account; and the said Court shall examine the said account, and inquire what part thereof the prisoner may be able to pay; and for such part as he shall be found unable to pay, the said Court shall make a reasonable allowance to the said Gaol-Keeper, to be paid out of the county treasury.

SECT. 2. *And be it further enacted by the authority aforesaid,* That every County-Treasurer shall and may charge to the Commonwealth, not exceeding the rate aforesaid, the several sums he shall so pay out of the county treasury, with *two and a half per cent.* for their services, and shall include the same in the accounts which they are required to render to the Treasurer of the Commonwealth, in and by the Act, to which this is in addition; and said payments shall make part of the debit of said accounts against the Commonwealth, to be settled, allowed, and discharged, as in said Act is provided.

SECT. 3. *And be it further enacted,* That it shall be the duty of every County-Treasurer, in addition to the accounts required by the Act aforesaid, to be exhibited, to make out and exhibit, on the first Monday in *June* next, to the Governor and Council, a general account of their proceedings, pursuant to said Act, therein crediting the Commonwealth for all monies by them respectively received by warrants on the treasury, or for fines, forfeitures, and bills of cost, and from whom; and in the same account charging the Commonwealth for all payments by them actually made before that time, and the balance due, if any, to credit to the Commonwealth in a new account; and every County-Treasurer shall, at the same time, make out and transmit, as aforesaid, an account of all sums due, and to whom, on any bills of cost allowed and taxed by the Supreme Judicial Court, and also an account of all fines and forfeitures, and bills of cost, within their counties respectively, which belong to the Commonwealth, and which may be then remaining unpaid, and from whom the same shall be due; and shall afterwards, on the first Monday of *June*, annually, make out and exhibit a like general account with the Commonwealth, of their receipts and payments for the year preceding, accompanied with like statements, as above mentioned, of the balances remaining due, bills of cost allowed and taxed, and fines and forfeitures remaining unpaid, as aforesaid; and shall be further held to make out and exhibit such other statements, accounts and returns, as the Governor and Council shall judge to be necessary or expedient for a just and accurate settlement of said treasury transactions with the Commonwealth, under this Act, and the Act to which it is in addition, and as the said Governor and Council shall from time to time require.

SECT.

SECT. 4. *And be it further enacted*, That an Act passed in ^{Act repealed.} the year of our Lord one thousand seven hundred and ninety-three, entitled, "An Act providing for the support of poor persons, while confined in gaol, upon charge or conviction of offences against this Commonwealth," be and hereby is repealed.

[This Act passed *February 27, 1795.*]

An ACT setting off *Samuel Sparhawk*, of *Cambridge*, in the County of *Middlesex*, from the south Parish in *Cambridge*, and annexing him and his Estate to the first Parish in said Town.

[This Act passed *February 27, 1795.*]

An ACT to incorporate the Plantation of *Number Four*, in the County of *Washington*, into a Town by the Name of *Steuben*.

[This Act passed *February 27, 1795.*]

An ACT repealing two Clauses in an Act, entitled, "An Act for altering the Place of holding one Term of the Court of Common Pleas, and Court of General Sessions of the Peace, in the County of *Lincoln*, and for establishing an additional Term of the said Courts within the same County."

WHEREAS in the second enacting clause in the said Act, ^{Preamble.} it is enacted, That when and so often as any action or actions shall be entered and prosecuted at the Court of Common Pleas, to be holden at *Hallowel*, in said county of *Lincoln*, by any inhabitant or inhabitants of the said county, against any person or persons who, at the time of the commencement thereof, shall be an inhabitant or inhabitants of that part of said county which lies to the eastward of *Damascotty-River* and *Damascotty-Great-Pond* (so called) the Justices of the Court shall, *ex officio*, continue every such action or actions to the then next Court of Common Pleas, to be holden at *Pownalborough*, as aforesaid, unless the defendant or defendants shall, by him or themselves, or Attorney, consent to a trial. And whereas in the third enacting clause in said Act, it is enacted, That when and so often as any action or actions shall be entered and prosecuted at the Court of Common Pleas to be holden at *Waldoborough*, as aforesaid, by any inhabitant or inhabitants of the said county, against any person or persons who, at the time of the commencement thereof, shall be an inhabitant

habitant or inhabitants of that part of said county which lies to the westward of *Sheepscot-River* (so called) the Justices of the same Court shall, *ex officio*, continue every such action or actions to the then next Court of Common Pleas to be holden in *Pownalborough* aforesaid, except as in the preceding clause in this Act is excepted; which two clauses aforesaid have been found by experience to operate very injuriously:

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the two clauses abovementioned be and they are hereby repealed.

[This Act passed February 27, 1795.]

An ACT in Addition to the Act for regulating the Manufacture of Nails within this Commonwealth, made and passed the tenth Day of *March, Anno Domini* One thousand seven hundred and ninety-one.

[Passed February 27, 1795. Repealed March 4, 1800.]

An ACT in Addition to an Act defining the general Powers and Duties, and regulating the Office of Sheriffs.

Justices empowered.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Justices of the several Courts of Common Pleas be and hereby are authorized and required, in the term of said Court, which shall be held in course, in the several counties, on or next after the last Tuesday of June, annually, to consider of the sufficiency of the security given by the Sheriffs, in their respective counties; and in case they shall find and determine the same to be insufficient, they shall cause a record to be made of such determination, by the Clerk; and shall also cause the Sheriff, whose security shall be found insufficient, to be served with an attested copy of said record, and shall require him to procure and give new security, to the satisfaction of said Justices, on or before the term of the Court next following the term in which said insufficiency shall be recorded, as aforesaid.*

Forfeiture of Sheriffs in neglecting to give security.

SECT. 2. *And be it further enacted by the authority aforesaid, That if any Sheriff shall neglect to give security as required by the Act to which this is an addition, or shall neglect to give the new security which may be required by the Justices of the Court of Common Pleas in his county, pursuant to this Act, he shall forfeit and pay, to the use of the Commonwealth, the*

the sum of *One Hundred and Fifty Dollars* for each month's neglect, to be recovered by action of debt, in any Court proper to try the same; and it shall be the duty of the Attorney-General to prosecute for the same; and the name of such Sheriff neglecting to give or renew his security, as aforesaid, shall be certified by the Court of Common Pleas in his county, to the Governor and Council, and also to the Attorney-General; and the Governor, with the advice of Council, shall thereupon remove such Sheriff from his office, and appoint some other person in his stead; unless reasonable cause, to the satisfaction of the Governor and Council, shall be assigned for said neglect; and unless such Sheriff, whose name and neglect shall be certified as aforesaid, shall give or renew his security, as the case may be, to the satisfaction of the Governor and Council within twenty days after the said certificate shall be made as aforesaid.

Liabie to removal.

SECT. 3. *And be it further enacted by the authority aforesaid,* That that part of the first enacting clause in the Act to which this Act is in addition, by which all services done by any Sheriff, in case of neglecting to give security after the time therein limited, are rendered null and void, be and hereby is repealed.

Part of an Act repealed.

[This Act passed February 27, 1795.]

An ACT for appointing Inspectors of Lime.

SECT. 1. *BE it enacted by the Senate and House of Representatives,* in General Court assembled, and by the authority of the same, That there shall be chosen, in each town in this Commonwealth where Lime is imported by water, at their annual meetings, an Inspector of Lime, whose duty it shall be to inspect all Stone-Lime imported, or brought into their respective towns or districts in casks for sale, and who shall have power, when they judge it expedient, to open any cask containing Lime, to view the same; and it shall be their duty to see that the law, entitled, "An Act ascertaining the quality of Stone-Lime, and the size of Lime-Casks, and for repealing all laws heretofore made relative thereto," passed in the year of our Lord one thousand seven hundred and ninety-four, be in all respects observed; and to prosecute all offences against the same, and they shall be under oath for the faithful performance of their duty. And such Inspector shall have right to demand and receive of every importer of Stone-Lime as aforesaid, for every cask of Lime inspected as aforesaid, the sum of *Three Pence*, and no more.

Inspectors of Lime to be appointed.

Their duty.

SECT. 2. *Be it further enacted,* That each town within this Commonwealth, in which Lime is manufactured, at their annual meeting, shall also choose Inspectors, whose duty it shall be to inspect all the Lime manufactured within said town,

Lime to be inspected and branded at the kiln.

town, at the time it is filled at the kiln, and brand each cask in which the same is put, with his name, the name of the said town, and the word *Inspected*. And he shall receive *Five Cents* from the proprietor of the kiln for each cask so branded. And all Inspectors appointed in pursuance of this Act shall be under oath for the faithful performance of the trust reposed in them.

[This Act passed *February 27, 1795.*]

An ACT for incorporating *Luther Eames*, and others, into a Society for the Purpose of bringing fresh Water into the Town of *Boston* by subterraneous Pipes.

[This Act passed *February 27, 1795.*]

Addit. Act,
March 1, 1797.

An ACT to incorporate fundry Persons by the Name of *The President and Directors of the Nantucket Bank*.

Preamble.

WHEREAS *George Folger, jun. Thomas Coffin, jun.* and others, have, in their petition to this Court, proposed to raise a fund for the establishment of a Bank at *Nantucket*; and it appears that such an institution, under suitable regulations, may be advantageous to the trade and commerce of that island:

Persons incorporated to a limited time.

SECT. I. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That *George Hussy, Alexander Gardner, Joseph Chace, William Coffin, Abner Coffin, Jethro Starbuck, jun. Josiah Barker, jun. Albert Gardner, John Cartwright, Silvanus Macy, jun. George Folger, jun. and Thomas Coffin, jun.* their associates, successors and assigns, shall be and they hereby are created a Corporation and body politic, by the name and style of *The President and Directors of the Nantucket Bank*, and shall so continue from the first day of *May* next, until the expiration of ten years next following; and by the name aforesaid, the said Corporation shall be and hereby are made capable, in law, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in Courts of record, or any other place whatever; and also to make, have and use a common seal, and the same again at pleasure to break, alter and renew: And also to ordain, establish and put in execution, such by-laws, ordinances and regulations, as to them shall seem necessary and convenient for the government of said Corporation, and the prudent management of their affairs: *Provided,* Such by-laws shall be in no wise contrary to the Laws and Constitution of the Commonwealth. And the said Corporation shall be always subject to the rules, restrictions, limitations and provisions herein prescribed.

Subject in law as other Corporations.

SECT.

SECT. 2. *Be it further enacted by the authority aforesaid,* That the capital stock of said Corporation shall consist of a sum not less than *Forty Thousand*, nor more than *One Hundred Thousand Dollars*, in specie, and shall be divided into shares of *One Hundred Dollars* each; and the Stockholders, at their first meeting, shall, by a majority of votes, determine the amount of the payments to be made on each share, and the times that each payment shall be made; also the mode of transferring and disposing of the stock and profits thereof; which being entered on the books of said Corporation, shall be binding on the Stockholders, their successors and assigns: *Provided however,* That the payments so agreed to be made shall not form a stock of more than *One Hundred Thousand Dollars*, nor less than *Forty Thousand Dollars*, as aforesaid, and shall be paid in by the following instalments:—One third part on or before the first day of *May* next—one other third part on or before the first day of *February* next; and the remaining third part on or before the first day of *November*, one thousand seven hundred and ninety-six; and that no Stockholder shall be allowed to borrow at said Bank at or after any instalment shall become due, until he shall have paid his full proportion of such instalment: and in case any of the Stockholders in said Corporation shall fail to complete their future payments, they shall forfeit their former payments to the use of the Corporation.

Amount of the capital stock.

Stockholders empowered.

Proviso.

SECT. 3. *Be it further enacted by the authority aforesaid,* That the following rules, regulations, restrictions, limitations and provisions shall form and be the fundamental articles of the Constitution of said body politic, viz.

First. The said Corporation shall not owe, at any one time, more than twice the amount of their capital stock, in addition to the simple amount of all monies actually deposited in said Bank, for safe keeping; and in case of any excess, the Directors, under whose administration it shall happen, shall be liable for the same, in their private capacity; but this shall not be construed to exempt said Corporation from being also liable for and chargeable with such excess.

Fundamental articles of the Constitution.

Second. That said Corporation shall not use or improve any of their monies, goods, chattels or effects in trade or commerce; but may sell all kinds of personal pledges lodged in their hands, by way of security, to an amount sufficient to reimburse the sum loaned.

Third. That for the well ordering of the affairs of said Corporation, a meeting of the Stockholders shall be held at such place as the Stockholders shall direct, on the first Monday in *January* annually, and at any other time during the continuance of said Corporation, at such house, and at such an hour of the day, as shall be appointed by the President and Directors for the time being, by a notification, one week previous to the time appointed for such meeting; at which annual

nual meeting there shall be chosen, by ballot, twelve Directors, who shall continue in office the year ensuing their election.

Fourth. None but a Member of said Corporation, being a citizen of this Commonwealth, and resident therein, shall be eligible for a Director or Cashier.

Fifth. No Stockholder in said Bank shall be qualified to vote in the election of the officers of said Bank, or in any of the affairs thereof, unless he shall be interested therein to the amount of *One Hundred Dollars*; and the Stockholders thus qualified, shall vote in proportion to their property, in the following ratio; *that is*, Every Stockholder of *One Hundred Dollars* shall have one vote; and every *Two Hundred Dollars* above *One Hundred Dollars*, shall give a right to one vote more: *Provided* no one Member shall have more than ten votes, and absent Members may vote by proxy, authorized, in writing. And in all elections, in the first instance, a majority of votes shall be necessary to determine the same; but in case of a second trial, a plurality shall decide the vote.

Sixth. The Directors shall choose one of their own number, to act as President.

Seventh. No Director shall be entitled to any emolument for his services; but the Stockholders may make the President such compensation as to them shall appear reasonable.

Eighth. Not less than seven Directors shall constitute a Board for the transaction of Business, of whom the President shall always be one, except in case of sickness or necessary absence; in which case the Directors present may choose a Chairman for the time being.

Ninth. Not more than three quarters of the Directors in office, exclusive of the President, shall be eligible for the next succeeding year; but the Director who shall be President at the time of an election, may be re-elected.

Tenth. The Cashier, before he enters upon the duties of his office, shall give bond, with two or more sureties, to the satisfaction of the board of Directors, in a sum not less than *Ten Thousand Dollars*, with conditions for the faithful discharge of the duties of his office.

Eleventh. All bills issued from the Bank aforesaid, and signed by the President, shall be binding on said Corporation; but it shall not be lawful for them to issue any bills of a less denomination than *Two Dollars*.

Twelfth. The Directors shall make half yearly dividends of all the profits, premiums and interests of the Bank aforesaid.

Thirteenth. The Directors shall have power to appoint a Cashier, Clerks, and such officers for carrying on the business of the Bank, with such salaries as to them shall seem meet.

And whereas it is repugnant to the principles of a free Government that the property of any of its citizens should be placed out of the reach of their just creditors:

SECT. 4. *Be it further enacted by the authority aforesaid,* That the property of every individual Member of said Corporation, vested in said corporate funds, shall be liable to attachment, and to the payment and satisfaction of his just debts, to any of his *bona fide* creditors, in manner following, *viz.* In addition to the summons by law prescribed to be left with the debtor, a like summons shall be left with the Cashier of said Bank, and the debtor shares in the said corporate funds, together with the interest and profits due, and growing due thereon, shall thereby be held to respond said suit, according to law; and all transfers of the debtor shares, not noted in the bank books previous to the delivery of such summons, shall be barred thereby; and execution may be levied upon the property of any Stockholder in said Bank, and his shares therein be exposed to sale, in the same manner as is by law provided where personal estate is taken in execution; and it shall be the duty of the officer who extends such execution to leave an attested copy thereof, with his doings thereon, with the Cashier of said Bank; and the purchaser shall thereon be entitled to the reception of all dividends and stock, and to the same privileges as a Member of said Corporation that the debtor was previously entitled to; and upon any attachment being made, or execution being levied on any shares in said Bank, it shall be the duty of the Cashier of said Bank, to expose the books of said Corporation to the officer, and to furnish him with a certificate, under his hand, in his official capacity, ascertaining the number of shares the debtor holds in said Bank, and the amount of the dividends thereon due.

The property of individual Members in the Corporation liable for the payment of just debts.

SECT. 5. *Be it further enacted by the authority aforesaid,* That any Committee, specially appointed by the Legislature for the purpose, shall have a right to examine into the doings of said Corporation, and shall have free access to all their books; and if, upon the report of said Committee, it shall be found, and after a full hearing of said Corporation thereon, be determined by the Legislature, that said Corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions and conditions in this Act provided, their incorporation shall thereupon be declared forfeited and void; and the same shall be announced by proclamation from the Supreme Executive authority of the Commonwealth.

Committee of the Legislature have power to examine the doings of the Corporation.

SECT. 6. *Be it further enacted by the authority aforesaid,* That the persons herein before named, or any three of them, are authorized and empowered to call a meeting of the Members and Stockholders of said Corporation, as soon as may appear to them necessary, for the purpose of their electing their first Board of Directors.

Persons authorized to call a meeting.

SECT. 7. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors of said Bank to transmit to the Governor and Council of this Commonwealth, Vol. II. K for

Directors to transmit to the executive accurate statements.

for the time being, once in six months, at least, and as much oftener as they may require, accurate and just statements of the amount of the capital stock of said Corporation, and of debts due to the same; of the monies deposited therein; of the notes in circulation, and of the cash on hand; which statements shall be signed by the Directors, and attested by the Cashier.

Preamble.

And whereas in the Act for incorporating and establishing the *Union Bank* in the town of *Boston*, it is provided, that the "Directors may, at any future period, establish offices for the purpose of Loans, Discount and Deposit, in such other towns within this Commonwealth, and commit the management thereof to such persons, and under such regulations, as to the Directors shall seem proper and adviseable."

Branch to the
Union Bank
may be estab-
lished.

SECT. 8. *Be it enacted by the authority aforesaid*, That if the subscribers to the Bank, by this Act established, shall, before the said first day of *May* next, apply to the Directors of the said *Union Bank* to establish a Branch, or Office of said *Union Bank*, on the island of *Nantucket*, for the purposes aforesaid, and the said Directors shall agree to the same; that then, and in that case, the said Branch, or Office of said *Union Bank*, shall be substituted for the Bank by this Act established, and wholly supersede the same; and the capital stock of said *Union Bank* shall and may be increased in and by such sum or sums as shall be mutually agreed by and between said Directors and said subscribers, to be used and applied on the island of *Nantucket*, for the purposes aforesaid, not exceeding the sum of *One Hundred Thousand Dollars*.

[This Act passed *February 27, 1795.*]

An ACT to incorporate the Plantation called *Sterling*, in the County of *Lincoln*, into a Town by the Name of *Fayette*.

[This Act passed *February 28, 1795.*]

An ACT to incorporate the Plantation called *Livermore*, lying on both Sides *Androscoggin-River*, into a Town by the Name of *Livermore*.

[This Act passed *February 28, 1795.*]

An ACT to incorporate the Plantation called *Lower-Sandy-River*, in the County of *Lincoln*, into a Town by the Name of *Starks*.

[This Act passed *February 28, 1795.*]

An ACT to repeal an Act, entitled, “ An Act to incorporate the Committee of the Church and Congregation in the Town of *Warwick*, for certain Purposes,” passed *April* twentieth, One thousand seven hundred and seventy-nine.

[This Act passed *February* 28, 1795.]

An ACT to set off a Part of the Town of *Windsor*, in the County of *Berkshire*, and to annex the same to the Town of *Dalton*.

[This Act passed *February* 28, 1795.]

An ACT to incorporate the Plantation of *Hancock*, in the County of *Lincoln*, into a Town by the Name of *Clinton*.

[This Act passed *February* 28, 1795.]

An ACT making Provision for the erecting Guide-Posts upon public Roads.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That on or before the first day of *September* next, it shall be the duty of the inhabitants of the several towns and districts in this Commonwealth, and also such unincorporated plantations as now are assessed in any public tax, to provide, erect, and keep in repair such Guide-Posts upon all public roads, at such places, and in such manner, as is hereafter in this Act provided. Guide-Posts to be erected.

SECT. 2. *And* be it further enacted by the authority aforesaid, That the Selectmen of the several towns and districts, and the Assessors of all unincorporated plantations, assessed in any public tax, in this Commonwealth, be and they hereby are authorized and required, from time to time, to fix and determine upon such places at the corners and angles of all roads in the several towns, districts and plantations aforesaid, at which the said Guide-Posts shall be erected and kept, as in their judgment shall be found necessary and convenient, and shall cause a fair record thereof to be entered and kept among the records of the said towns, districts or plantations. Selectmen to fix places.

SECT. 3. *And* be it further enacted by the authority aforesaid, That the Guide Posts to be erected and kept, in pursuance of this Act, shall be constructed in manner following; *that is to* Manner of construction.

say, There shall be erected at the several corners or angles of the roads aforesaid, at such places as shall be ordered by the Selectmen of towns and districts, or Assessors of the plantations aforesaid, a substantial Post, of not less than eight feet in height; upon the upper end of which shall be placed a board or boards, upon each of which boards shall be plainly and legibly painted the name of the next town, with such other noted town or place as may be judged most expedient for the direction of travellers, to which each of the roads may lead, together with the distance or number of miles to the same; and also the figure of a hand, with the fore finger thereof pointing towards the town or place to which the said roads may lead:

Provido.

Provided nevertheless, That the inhabitants of the several towns, districts and plantations aforesaid, duly qualified to vote in town or plantation affairs, may, if they judge fit, on or before the first Monday in *April* next, and annually afterwards, agree upon some suitable substitute in the room of said Guide-Posts, and appoint any proper person or persons to superintend the erecting the same.

Penalty in case
of neglect or
refusal.

SECT. 4. *And be it further enacted by the authority aforesaid,* That if the inhabitants of any of the towns, districts or plantations aforesaid shall neglect, or refuse to erect and maintain said Guide-Posts in such places, and in such manner as is herein provided, the said inhabitants shall forfeit and pay, to the use of the Commonwealth, *Twenty Shillings* for every month which they shall so neglect or refuse: And if the Selectmen of the several towns and districts, or Assessors of the several plantations aforesaid, shall neglect or refuse to fix and determine upon any places in the towns, districts and plantations aforesaid, at which the said Guide-Posts shall be erected and kept, by the time in this Act set and limited, the said Selectmen or Assessors shall forfeit and pay, to the use of the Commonwealth, *Twenty Shillings* for every month which they shall so neglect or refuse; said penalties and forfeitures to be recovered by indictment of the Grand Jury in the county where the offence may be committed.

----- in case
of injury.

SECT. 5. *And be it further enacted by the authority aforesaid,* That if any person shall injure, mar or deface any Guide-Post, or its substitute, agreed upon as aforesaid, or board which shall be set up, as is in this Act provided, and be convicted thereof before any Justice of the Peace within this Commonwealth (who is hereby empowered to try the same) such person so convicted shall forfeit a sum not more than *Forty Shillings*, nor less than *Twenty Shillings*; one half to the complainant, and the other half to the use of the town, district or plantation in which such Guide-Posts, or its substitute, so injured, marred or defaced, was set up, and shall pay all costs of the prosecution.

[This Act passed February 28, 1795.]

An ACT to secure to Masters and Mistresses, as well as to Apprentices and minor Servants, bound by Deed, their mutual Privileges.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the*

same, That minors under the age of fourteen years, may be bound, by deed, until that age, as servants or apprentices, by their father ; and in case of his decease, by their mother, or by their guardian, legally appointed ; or having no parent or guardian, may bind themselves, with the approbation of the Selectmen, or major part of them, of the town where such minors reside. And all minors of the age of fourteen years or upwards, may be bound by deed, as apprentices or servants ; females, to the age of eighteen years, or to the time of their marriage, within that age ; and males to the age of twenty-one years, by their father ; and in case of his decease, by their mother or guardian legally appointed, having the minor's consent expressed in the deed : And any such minors having no father, mother, or guardian within the Commonwealth may, by deed, bind themselves, with the approbation of the Selectmen, or the major part of them, of the town where they reside : *Provided,* That in every case there shall be two deeds of the same form and tenor, executed by both parties ; one to be kept by each ; and where made by the approbation of the Selectmen, they, after having examined the terms of the deeds, shall express their approbation thereon, and sign the same. *Provided also,* That all considerations which shall be allowed by the master or mistress, in any contract of service or apprenticeship, shall be secured to the sole use of the minor thereby engaged. And all contracts which shall be made by any parent or guardian, or by any minor, for him or herself, pursuant to this Act, shall be good and effectual in law, against all parties, and the minors thereby engaged, according to the tenor thereof.

Minors under and above 14 years old may be bound, by consent of parties.

Provide.

SECT. 2. *Be it further enacted,* That it shall be the right and duty of parents and guardians, and of Selectmen, for the time being (where Selectmen shall give their approbation as aforesaid) binding minors as aforesaid, to inquire into their usage, and defend them from the cruelties, neglects or breach of covenant of their masters or mistresses ; and such parents, guardians or Selectmen, for the time being, may complain to the Court of Common Pleas in the county whereof such master or mistress is an inhabitant, against him or her, for any personal cruelty, neglect or breach of covenant ; and the Court, after having duly notified the party complained against, shall proceed to hear and determine such complaint, with or without a Jury, according as the allegations of the parties may be.

Parents, guardians and Selectmen, to inquire into their usage ;

and complain, in case of ill usage.

be. And if the same complaint shall be supported, the Court may render judgment,—that the said minor be discharged from his or her apprenticeship or service, with costs against the master or mistress, and award execution accordingly; in which case, the deed of service or apprenticeship shall be deemed void, from the time of rendering such judgment, and the minor may be bound out anew: But if such complaint shall not be supported, the Court shall award costs to the respondent, against the parent, guardian or Selectmen, where the complaint of the Selectmen shall be without probable cause, and execution accordingly.

Abfconding
servants may
be apprehend-
ed by warrant,

SECT. 3. *Be it further enacted*, That if any servant or apprentice, bound as aforesaid, shall depart from the service of his or her master or mistress, it shall be lawful for any Justice of the Peace of the county where such servant or apprentice may be found, on complaint made to him by the master or mistress, or by any one in his or her behalf, on oath, to issue his warrant to the Sheriff, his deputy, or any Constable within the county, directing him to apprehend such servant or apprentice, and to bring him or her before the said Justice, who, upon the hearing, shall order the said servant or apprentice to be returned to the place of his or her duty; or to commit him or her to the common gaol of the county, there to remain for a term not exceeding twenty days; unless sooner discharged by his or her master or mistress: And the Justice's warrant for returning such servant or apprentice to the place of his or her duty, directed to any officer or other person, by name, shall authorize him to convey any such servant or apprentice to such place, notwithstanding it may be in any other county in the Commonwealth; and the costs of the process and commitment by the said Justice, shall be paid by the master or mistress, to be recovered by him or her, on the deed or covenant; and when recovered of the guardian, the same, with all further costs he may be held to pay, shall be a proper article of charge in his guardianship account.

and commit-
ted.

Complaints
may be made
in case of mis-
behaviour of
servants, &c.

SECT. 4. *Be it further enacted*, That if any servant or apprentice, bound as aforesaid, shall be guilty of any gross misbehaviour, wilful neglect, or refusal of his or her duty, the master or mistress may complain thereof to the Court of Common Pleas in the county whereof he or she is an inhabitant; and the said Court, after having duly notified such servant or apprentice, and all persons covenanting on his or her behalf; and the Selectmen, for the time being, of the town (where Selectmen shall approve, as aforesaid) shall proceed to hear and decide on such complaint, with or without a Jury, as the allegations of the parties may be; and if the said complaint shall be supported, the Court may render judgment,—that the master or mistress shall be discharged from the contract

contract of service or apprenticeship, and every article thereof obligatory on him or her, with costs, and award execution for costs accordingly, against the parent, guardian or minor, where the minor shall engage as aforesaid, for him or herself; and any servant or apprentice, whose master or mistress shall be discharged as aforesaid, may be bound out anew.

SECT. 5. *And be it further enacted*, That no covenant of apprenticeship, entered into by any minor, his parent or guardian, for the purpose of such minor's learning, or being instructed in any trade or mystery, and made to any master and the wife of such master, or to the executors, administrators or assigns of such master, shall be binding on such minor, parent or guardian, after the decease of the master; but on the death of such master, the said covenant shall be deemed void from that time; and in any such case, any minor may be bound out anew, in the manner herein before prescribed.

Covenants to be void at the decease of the master.

[This Act passed February 28, 1795.]

An ACT to enable Creditors to receive their just Demands out of the Goods, Effects and Credits of their Debtors when the same cannot be attached by the ordinary Process of Law.

Addit. Act,
June 16, 1798.

WHEREAS the goods, effects and credits of persons are oftentimes so intrusted and deposited in the hands of others that the same cannot be attached by the ordinary process of law, to satisfy such judgments as may be recovered against such persons: For remedy whereof,

Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That any person or persons, body politic or corporate, entitled to any personal action, excepting detinue, replevin, actions on the case for slanderous words or malicious prosecutions, or actions of trespass for assault and battery against any person or persons other than bodies politic or corporate, having any goods, effects or credits so intrusted or deposited in the hands of others, that the same cannot be attached by the ordinary process of law, may cause not only the goods and estate of the person against whom such action lies, to be attached in his own hands and possession, but also all his goods, effects and credits so intrusted or deposited, to be attached in whose hands or possession soever they may be found, by an original writ, to issue under the seal of the Court of Common Pleas, signed by the Clerk, and attested by the first Justice of the said Court not a party thereto, and of the form following, to wit :

COMMONWEALTH

COMMONWEALTH OF MASSACHUSETTS.

— ff.

Writ of
Attachment.

To the Sheriff of our county of _____, or to either of his
deputies, GREETING.

WE command you to attach the goods and estate of *A. B.* of *C.* within our county of *D.* [addition] to the value of _____ Dollars, and summons the said *A. B.* (if he may be found in your precinct) to appear before our Justices of our Court of Common Pleas next to be holden at _____ within and for our county of _____ on the _____ day of _____, then and there, in our said Court, to answer unto *E. F.* of *G.* within our county of *H.* [addition] in a plea of _____ to the damage of the said *E. F.* as he saith, the sum of _____ Dollars, which shall then and there be made to appear, with other due damages : And whereas the said *E. F.* saith, that the said *A. B.* has not in his own hands and possession, goods and estate to the value of _____ Dollars, aforesaid, which can be come at to be attached, but has intrusted to, and deposited in the hands and possession of *I. K.* of _____ [addition] Trustee of the said *A. B.* goods, effects and credits, to the said value : We command you therefore, that you summon the said *I. K.* if he may be found in your precinct, to appear before our Justices of our said Court, to be holden as aforesaid, to shew cause (if any he has) why execution to be issued upon such judgment as the said *E. F.* may recover against the said *A. B.* in this action (if any) should not issue against his goods, effects or credits in the hands and possession of him, the said *I. K.* and have you there this writ, with your doings therein.

Witness *L. M.* Esq. at _____ the _____ day of _____ in the year of our Lord one thousand seven hundred and _____
N. O. Clerk.

Manner of
serving the
Writ.

And the officer to whom such writ may be directed, shall serve the same by attaching the goods and estate of the principal in his hands and possession, of the value required, if so much can be found in his precinct, by reading the said writ to him, or by leaving an attested copy thereof at his last and usual place of abode, if he had been an inhabitant or resident within this Commonwealth, at any time within three years next before the suing out such writ, and by reading the same to each of the Trustees, or by leaving an attested copy thereof at such Trustee's usual place of abode ; and in case the principal has not been an inhabitant or resident as aforesaid, a service made on the supposed Trustee or Trustees in manner as aforesaid, shall be deemed a sufficient service ; which service shall be made fourteen days, at the least, before the day of the sitting of the Court to which such writ is returnable ; and the goods, effects, and credits of the principal, in the hands and possession

possession of his Trustee or Trustees at the time such writ was served upon him or them, shall stand bound and be held to satisfy such judgment as the plaintiff shall recover against the principal; and when the Trustees, named in such writ, do all dwell in one county, such writ shall be made returnable in the county where all the Trustees dwell; but when the Trustees do not all dwell in one county, such writ may be made returnable in any county in which any of the Trustees dwell.

SECT. 2. *And be it further enacted*, That if the principal shall be absent from the Commonwealth when such writ shall be served, the Court shall continue the action two terms, that he may have notice, unless the principal, after the service of the writ, and before the sitting of the Court, shall have come into the Commonwealth; in which case, it shall be in the discretion of the Court whether to continue the action or not; and when the principal does not appear in his own person or by attorney, to answer such suit, the Trustees, or any of them having goods, effects or credits of the principal in his or their hands or possession, may appear in his behalf, and in his name plead, pursue, and defend to final judgment and execution.

Duty of the Court respecting the principal.

SECT. 3. *And be it further enacted*, That if any supposed Trustee shall come into Court the first term, and declare, that he had not in his hands or possession, at the time the writ was served on him, any goods, effects or credits of the principal, and shall thereupon submit himself to an examination, upon oath; and if, upon such examination, the said declaration shall appear to the Court to be true, the Court shall award him his legal costs, and issue execution therefor; and if such Trustee shall, at the time of service of such writ, dwell in any county other than that in which the said writ is returnable, the Court shall allow him such further costs as, with his legal costs, shall, under all the circumstances of the case, be a reasonable compensation to him for his time and expenses, in appearing and defending himself against such suit; and every person resident in the county where such writ shall be duly returned, who, being summoned as aforesaid, shall neglect to appear at the return thereof, and submit to an examination, as to the supposed goods, effects or credits in his or her hands, and having no reasonable cause to the contrary, in the opinion of the Court where the suit shall be, shall be liable for all costs afterwards arising in such suit, to be recovered and paid out of his own goods and estate, in case judgment shall be finally rendered for the plaintiff, and unless such costs shall be duly recovered against the goods, effects, or credits of the principal in the hands of a Trustee. And if several persons, resident in such county, being duly summoned as aforesaid, shall neglect to appear as aforesaid, then judgment and execution against them jointly, shall be awarded for such costs. And persons resident in other counties than where the writ is returnable, shall

----- do, respecting a Trustee.

not

not be liable for any costs arising on the original process herein provided.

Court to
award for
principal,
in case.

SECT. 4. *And be it further enacted*, That where the plaintiff doth not support his action against the principal, and judgment shall be rendered, that he take nothing by his writ, the Court shall award costs against him, as well in favour of the principal, as in favour of such of the persons summoned as Trustees severally, who have personally appeared in Court and submitted themselves to an examination, upon oath, as aforesaid; and several executions shall issue thereupon accordingly. And where all the supposed Trustees, or any one or more of them, come into Court, and are discharged upon examination, on oath, as aforesaid, or when the suit shall be discontinued by the plaintiff against them, or against any one or more of them, the plaintiff may, notwithstanding, proceed against the principal, to trial, judgment and execution. *Provided nevertheless*, That costs shall not be awarded in favour of any Trustee, against whom the suit shall be discontinued as aforesaid, unless he come into Court the first term, and declare that he had not in his hands or possession, any goods, effects or credits of the principal, at the time of the service of the original writ, and thereupon submit himself to an examination, upon oath, and such declaration be adjudged by the Court to be true.

to
award ex-
ecution against
principal, in
case.

SECT. 5. *And be it further enacted*, That when the plaintiff shall recover judgment against the principal, and there shall be one or more Trustees summoned, who shall not have come into Court and discharged themselves upon oath of being Trustees, as supposed in the writ, and against whom the suit shall not be discontinued; the Court shall award execution against the goods, effects and credits of the principal in the hands and possession of every such Trustee, as well as against the body, goods and estate of the principal; and the form of the execution may be as follows:

COMMONWEALTH OF MASSACHUSETTS.

— ff.



To the Sheriff of our county of

, or his deputy,

GREETING.

From of the
execution.

WHEREAS D. S. of R. within our county of S. [addition] by the consideration of our Justices of our Court of Common Pleas, holden at within and for our county of aforesaid, on the Tuesday of recovered judgment against R. F. of in the county of [addition] aforesaid, for the sum of debt or damage (as the case may be) and costs of suit; and whereas, by the consideration of the same Court, execution was likewise awarded for the same sums against the goods, effects and credits of the said R. F. in the hands and possession of A. B. of [addition] and C. D. of [addition] Trustees of the said R. F. as to us appears of record, whereof execution remains to

to

to be done : We command you therefore, that of the goods, chattels, or lands of the said *R. F.* in his own hands and possession, and of the goods, effects and credits of the said *R. F.* in the hands and possession of the said *A. B.* and *C. D.* jointly and severally, you cause to be paid and satisfied unto the said *D. S.* at the value thereof in money, the aforesaid sums, being in the whole, with more for this writ, and thereof also to satisfy yourself for your own fees ; and for want of goods, chattels or lands of the said *R. F.* in his own hands and possession, to be by him shewn unto you, or found in your precinct, to the acceptance of the said *D. S.* and for want of goods, effects and credits of the said *R. F.* in the hands and possession of the said Trustees, to be by them discovered and exposed to you, to satisfy the several sums aforesaid, with your own fees—We command you that you take the body of the said *R. F.* and him commit unto our gaol in in our county of aforesaid, and detain in your custody within our said gaol, until he pay the full sums afore mentioned, with your fees, or that he be discharged by the said *D. S.* the creditor, or otherwise by order of law. Hereof fail not, and make return of this writ, and of your doings therein, into our Court of Common Pleas next to be holden at within and for our county of on the Tuesday of next, Witness, *W. C.* Esq. at the day of in the year of our Lord 17 .

J. S. Clerk.

And the form of the execution aforesaid, shall be the form of a writ of execution upon a judgment recovered by virtue of this Act, in the Supreme Judicial Court, *mutatis mutandis.*

SECT. 6. *And be it further enacted,* That when any execution, issued as aforesaid, shall be returned not fully satisfied, by reason of the Trustee not discovering and exposing sufficient goods, effects and credits of the principal, or by reason of the officers not finding sufficient goods and estate of the principal to the acceptance of the plaintiff, to satisfy the same, the plaintiff may sue out against the Trustees, named in such writ of execution, or against any one or more of them, jointly or severally, a writ or writs of *Scire Facias*, in due form of law, requiring the defendant in such writs of *Scire Facias* named, to shew cause (if any they have) why judgment for the sums remaining unsatisfied should not be rendered against them ; and if any one or more of the defendants in such writs of *Scire Facias* named, the same being returned, duly served, shall come into Court and declare, that he or they had not, at the time of the service of the original writ upon them, any goods, effects or credits of the principal in their hands or possession, and thereupon submit to an examination, upon oath ; and if, upon such examination, the supposed Trustee or Trustees shall appear not to be chargeable, the Court shall render judgment against him or them, if res-
dent

dent in the county where the original process was returnable, as the case may be, for costs only : and if not resident in such county, then the supposed Trustee, so discharged, shall have costs ; but if, upon such examination, it shall appear to the Court that the said Trustees, or any one or more of them, defendants as aforesaid, had goods, effects or credits of the principal in his or their hands at the time of serving the original writ as aforesaid, other than such as he or they have discovered and exposed to be taken to satisfy the execution, on the first judgment, then the Court shall enter up judgment against him or them to the amount of the sums returned unsatisfied upon the said execution, if there shall appear, upon such examination, to have been goods, effects or credits to that amount in his or their hands, not discovered and exposed as aforesaid ; but if not, then the Court shall enter up judgment against him or them to the amount of the said goods, effects or credits in his or their hands not discovered and exposed, as aforesaid. *Provided nevertheless*, That where any Trustee has come into Court, upon the original process, and been examined upon oath, as aforesaid ; and upon such examination, it has appeared to the Court, that such Trustee had goods, effects or credits of the principal, in his hands, at the time of serving the original writ, such Trustee shall not be again examined upon the *Scire Facias*, but judgment shall be rendered upon his examination, had as aforesaid.

Judgment to
be rendered
against Trust-
tee, in case ;

SECT. 7. *And be it further enacted*, That if any Trustee, upon whom the writ of *Scire Facias* shall be served, shall not appear, but shall be defaulted, he having never been examined upon oath, under the original process, he shall be deemed and taken to have had in his hands and possession, at the time of the service of the original writ, goods, effects and credits of the principal, to the amount of the judgment rendered against him, and judgment shall be rendered against the Trustee accordingly. And where there shall be more than one defendant, in any such writ of *Scire Facias*, the Court may enter up joint or several judgments, according to the circumstances of the case ; and upon all judgments rendered upon such writs of *Scire Facias*, executions shall issue in common form against the goods and estate, and for want thereof against the bodies of such person or persons against whom judgments shall be so rendered.

Trustee ac-
quitted, in
case.

SECT. 8. *And be it further enacted*, That the goods, effects and credits of any person so taken as aforesaid, by process of law, out of the hands of his Trustee, shall forever acquit and discharge such Trustee from and against all suits, damages and demands whatever, to be commenced or claimed by his principal, his executors or administrators of and for the same : And if any Trustee shall be troubled or sued on account of any thing by him done pursuant to this Act, he may plead the
general

and may plead
the general is-
sue.

general issue, and give this Act in evidence ; and any principal, against whom judgment shall be rendered, by force of this Act, shall be entitled to a review, in like manner as is or may be by law provided in other cases of personal actions, at any time within three years after judgment rendered, if he was absent from the Commonwealth during the whole time in which the action was pending ; but if otherwise, then his review shall be sued out within the time in which reviews in other cases are directed by law to be sued out.

SECT. 9. *And be it further enacted,* That any person summoned as a Trustee, as aforesaid, who shall upon such, his examination, had as aforesaid, knowingly and wilfully answer falsely, shall, upon conviction thereof in the Supreme Judicial Court, be adjudged to be guilty of perjury, and be liable and subject to all the pains, penalties, forfeitures and disabilities thereto by law incident ; and shall also, out of his own proper estate, be liable and subjected to pay to the plaintiff in the action, his executors or administrators, the full amount of such judgment as he, they, or any of them may have recovered against the principal, in case the same be unsatisfied ; otherwise, such part thereof as may remain unsatisfied, together with the legal interest thereof, and double costs of suit, to be recovered in a special action on the case.

Trustee liable,
in case of per-
jury.

SECT. 10. *And be it further enacted,* That in every case where it shall appear, by the answer of the Trustee, that he was, at the time of the service of the summons on him, holden or bound to deliver to the principal, at a then future day, any specific article or articles whatsoever, other than money, such Trustee shall be and hereby is authorized and permitted, on demand made by the officer, having any execution in his hands, issued upon any judgment, recovered by virtue of this Act, to deliver to him such specific article or articles, or so much and such part thereof as may be necessary to satisfy such execution, with the legal fees thereon ; the value of such article or articles, as between the principal and Trustee, to be estimated and ascertained by the appraisal of three disinterested and discreet men, one to be chosen by the Trustee, one by the officer, and one by the principal, if he see cause ; or if he neglect or refuse, then the officer shall appoint two of the said appraisers, who shall all be sworn before a Justice of the Peace in and for the county where such article or articles are to be delivered, faithfully and impartially to appraise the same : And the said Justice and appraisers shall make, on such execution, a certificate of their respective doings : *Provided however,* That in all cases where by the terms of the contract between the principal and Trustee, any mode is pointed out for ascertaining the value of such specific articles, the principal and Trustee, or either of them, may have their value thus ascertained and estimated : And in either case, the officer shall proceed to

----- per-
mitted to deliver
specific articles
on an execu-
tion.

----- to be es-
timated by ap-
praisal.

Provide.

sell

sell such articles, and conduct in the sale thereof as in other cases of sales of personal property, on execution, as is already by law provided; the overplus monies (if any there should be) after satisfying the execution, and his fees, he shall pay over to the principal, if within the precinct of the officer; otherwise, to the Trustee. And in all cases where a part only of such specific articles shall be taken in execution, as aforesaid, the Trustee is hereby authorized to deliver the residue to the Principal, or make tender thereof within thirty days after such execution shall have been satisfied, in the same manner as by law he might otherwise have delivered the whole.

Executors or administrators to answer the suit, in case of death.

SECT. 11. *And be it further enacted*, That whenever any person who shall be summoned as a Trustee as aforesaid, shall die before he may have been examined as aforesaid, his executors or administrators may appear; or if the plaintiff think proper, be compelled to appear and make answer to the suit, in the same way and manner executors and administrators are allowed or compellable to appear and answer to suits and actions in other cases. And in case of the death of any Trustee, after such his examination, and previous to the rendering of final judgment against the principal, the executors and administrators of such deceased Trustee shall be liable and answerable to perform whatever such Trustee, by his answer, would have been liable to do and perform, in case he had lived.

SECT. 12. *And be it further enacted*, That no person shall be considered or adjudged to be a Trustee, within the intent and meaning of this Act, by reason, or on account of his having made, given, endorsed, negotiated or accepted any negotiable security whatever.

Act repealed.

SECT. 13. *And be it further enacted*, That the Act made in the year of our Lord one thousand seven hundred and fifty-eight, "to enable creditors to receive their just debts out of the effects of their absent or absconding debtors," shall, after the first day of *August* next, be and the same is hereby repealed, excepting so far as may be necessary to carry into final effect any processes which heretofore have been, or which may, on or before the said first day of *August*, be brought in virtue of said Act.

Exceptions.

SECT. 14. *And be it further enacted*, That nothing herein contained shall be construed to repeal any part of the Act, entitled, "An Act to prevent fraud and perjury," excepting that all judgment-creditors who, by the provisions of that Act, are entitled to the process provided in the Act herein repealed, are and shall be hereby entitled to the process in this Act provided, under the same regulations and restrictions as are mentioned and expressed in the said Act, entitled, "An Act to prevent fraud and perjury."

[This Act passed February 28, 1795.]

An ACT to change the Name of *John Murdock*, of *Roxbury*, in the County of *Norfolk*, to the Name of *Robert Pierpont*.

[This Act passed *February 28, 1795.*]

An ACT in Addition to an Act, entitled, "An Act for incorporating *James Sullivan*, and others, by the Name and Style of *The Proprietors of the Middlesex Canal.*"

[This Act passed *February 28, 1795.*]

An ACT prescribing the Duty of Constables and Collectors, in certain Cases, previous to the Advertisement of non-resident Proprietors' Lands for Sale, for non-payment of Taxes; and for perpetuating the Evidence of posting Notifications previous to such Sales.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the*

same, That where any non-resident proprietor of any lands in any town, district or plantation, within this Commonwealth, shall have authorized, in writing, any person residing and dwelling in any such town, district or plantation, as his attorney, to pay the taxes imposed upon such lands, and such written authority shall have been lodged with, or recorded by the Clerk of such town, district or plantation, which such Clerk is hereby required to do, upon application of such attorney, and payment of *One Shilling* for filing or recording the same; no Constable or Collector of Taxes in any such town, district or plantation, shall proceed to advertise the sale of any lands of any such non-resident proprietors for non-payment of any taxes, committed to them to collect, without first notifying and demanding payment of such tax of such attorney, either personally, or by written notice and demand, left at his dwelling-house, nor till after the expiration of two months from and after such notice. And in case such Collector shall have occasion, after said two months, to advertise such lands for sale, upon neglect of payment of the taxes, his affidavit made before a Justice of the Peace, and recorded by the Clerk of such town, district or plantation (who is hereby required, upon request of such Constable or Collector, to record the same) before any sale be made, that such personal or written notice was given, and expressing the time of giving the same, shall be admitted as legal evidence thereof.

Duty of Constables and Collectors.

SECT.

Affidavit of
posting noti-
fications, to
be used in
evidence.

SECT. 2. *Be it further enacted by the authority aforesaid, That the affidavit of any disinterested person, taken before a Justice of the Peace, of the posting notifications, required by law, for the sale of any land, which shall be sold by any Sheriff, Constable or Collector, in the execution of his office, may be used in evidence of the fact of notice, upon any trial of the validity of such sale: Provided, That such affidavit, made on one of the original advertisements, or on a copy of one of them, shall be filed and recorded in the Registry of Deeds of the county or district where the land lies, within six months. This Act to be in force from and after the first day of July next; and the Secretary shall cause this Act to be published in the several newspapers in the Commonwealth, as soon as may be.*

[This Act passed February 28, 1795.]

An ACT to set off from the Town of *Dartmouth*, and annex to the Town of *Westport*, certain Inhabitants, with their respective Families and Estates, lying within the Boundary-Line of the Town of *Westport*.

[This Act passed February 28, 1795.]

An ACT setting off Part of the Town of *Northfield*, and annexing it to the Town of *Gill*, in the County of *Hampshire*.

[This Act passed February 28, 1795.]

An ACT to incorporate *Samuel Cary*, Esq. and others, for certain Purposes.

[This Act passed February 28, 1795.]

Addit. Act,
Feb. 24, 1796.

An ACT for extending the Time for receiving, on Loan, the Debt of this Commonwealth.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the term for receiving, on loan, the Debt of this Commonwealth, which hath not been subscribed, in pursuance of and conformable to an Act, entitled, "An Act to provide for the Debt of this Commonwealth;" and one other Act, entitled, "An Act for appropriating Twelve Thousand Pounds, part of Tax No. 11, to the payment of interest on the funded and consolidated Debt of this Commonwealth, and for other purposes,"

poses," be and hereby is extended to the first day of *February* next: And the Treasurer of this Commonwealth hereby is authorized and directed to receive and admit subscriptions to the said loan, of all such species of the said Debt as are in the said two Acts described, until the said first day of *February* next, in the same manner, and on the same terms, as are in the said two Acts provided and established.

Term extend-
ed.
Treasurer
directed.

[This Act passed *June 3, 1795.*]

An ACT to change the Name of *William Shelden*, of *Hadley*, in the County of *Hampshire*, to the Name of *Giles Crouch Kellogg*.

[This Act passed *June 4, 1795.*]

An ACT in Addition to an Act, entitled, "An Act to prevent Damage being done on the Salt Marshes in the Town of *Arundell*, in the County of *York*, by Horses, Sheep and Cattle being suffered to run at large on certain Beaches, Flats and Necks of Land adjoining said Marshes, from the first Day of *April*, to the last Day of *November*, annually"—passed in the Year of our LORD One thousand seven hundred and eighty-nine.

[This Act passed *June 8, 1795.*]

An ACT to change the Name of the Town of *Sherborn*, in the County of *Nantucket*.

[This Act passed *June 8, 1795.*]

An ACT to incorporate the Owners of certain Lands in *Stoughton*, in the County of *Norfolk*, for the Purpose of managing the same as a common and general Field.

[This Act passed *June 15, 1795.*]

An ACT for incorporating certain Persons in the Town of *Granby*, for the Purpose of managing a common Field in said Town.

[This Act passed *June 15, 1795.*]

June 22, 1786. An ACT repealing a certain Clause of an Act, entitled, "An Act for the orderly Solemnization of Marriages."

Preamble.

WHEREAS in and by the Act, entitled, as aforesaid, among other things, the following clause is enacted, viz. "And if it shall so happen, that any one or more of the said Justices or Ministers shall not have joined together in marriage any person during the course of the year then last past, it shall be the duty of such Justice or Minister also to certify to the said Town-Clerk, in writing, under his hand, that he has not joined any persons in marriage within the course of the said year;" and a compliance with the said clause is found inconvenient :

Clause repealed.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the before recited clause be and it is hereby repealed.

[This Act passed June 15, 1795.]

An ACT to regulate the Sale of Goods at public Vendue, and to repeal all Laws heretofore made for that Purpose.

Licenses to be granted.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of July next, no person, unless he be licensed by the major part of the Selectmen of the town to which he belongs, shall sell at public vendue or outcry, any goods or chattels whatsoever : And if any person, without such license, shall sell any goods or chattels at public vendue or outcry, he shall forfeit and pay a sum not exceeding Six Hundred Dollars for each offence ; and the Selectmen, or the major part of them, at a meeting had for that purpose, are hereby empowered, by a writing under their hands, to license any suitable person or persons to make sale of goods or chattels, in manner aforesaid ; for which license, the person or persons receiving the same shall pay to the Selectmen granting it, for their use, the sum of Two Dollars ; and the Selectmen are hereby directed to record every license, they may so grant, in a book to be by them kept for that purpose.*

Penalty.

SECT. 2. *And be it further enacted, That if any person or persons, thus licensed, shall receive any goods for sale at public vendue or outcry, of any servant or minor, knowing such person to be a servant or minor, or shall sell any of his own goods before sun-rise, or after sun-set, at public vendue or outcry, he shall forfeit and pay a sum not less than Fifty Dollars, nor more than One Hundred and Seventy Dollars, for each offence : And every person, thus licensed, shall keep a fair and particular account*

Penalty for selling unlawfully.

count of all goods and chattels sold by him, as aforesaid, of whom the same were received, and of the names of the persons to whom the same shall have been sold: *Provided*, That nothing in this Act shall extend to sales made by Sheriffs, Deputy-Sheriffs, Coroners, Constables, Collectors of Taxes, Executors or Administrators, or any other person who already is, or hereafter may be authorized or required, by law, to sell goods, chattels or lands at vendue or outcry. *Proviso.*

SECT. 3. *And be it further enacted*, That no license granted, as aforesaid, shall be of any effect to exempt any person or persons from the penalties incurred by any breach of this Act, unless such license shall have been made and granted within one year next preceding such sale.

SECT. 4. *And be it further enacted*, That any penalty, incurred as aforesaid, may be recovered by an action of debt in any Court of Record proper to try the same, and appropriated to the use of him who shall first sue for the same. Penalties,
how recovered
and applied.

SECT. 5. *And be it further enacted*, That all laws heretofore made for regulating the sale of goods and chattels, at public vendue or outcry, excepting as before excepted, be and they hereby are repealed: *Provided*, That all forfeitures and penalties that may have been incurred by any breach of said laws, shall and may be recovered in the same manner as though this Act had not been made. Former laws
repealed.

Proviso.

[This Act passed June 16, 1795.]

An ACT to set off *Eber Sheldon*, and *Silas Freeman*, jun. with their Estates, from the Town of *Sheffield*, in the County of *Berkshire*, and annex them and their Estates to the Town of *New-Marlborough*, in the same County.

[This Act passed June 19, 1795.]

An ACT to prohibit, during the Months of *December*, *January* and *February*, the taking of Salmon in *Merrimack-River*, and in the Waters running into the same.

[This Act passed June 20, 1795.]

An ACT for apportioning and assessing the Sum of *One Hundred and Forty-Nine Thousand, Seven Hundred and Fifty-Nine Dollars and Seventy-Three Cents*.

[This Act passed June 22, 1795.]

An ACT in Addition to an Act, entitled, "An Act more effectually to prevent the Destruction of the Fish called Shad and Alewives, in the Rivers and Streams within the Towns of *Lynn, Reading and Lynnfield*," passed *February* twenty-fourth, in the Year of our LORD One thousand seven hundred and ninety-five.

[This Act passed *June 23, 1795.*]

An ACT for incorporating the Proprietors of certain Lands in the Town of *Wilbraham*, in the County of *Hampshire*, for the Purpose of conducting the Concerns thereof as a common Field.

[This Act passed *June 23, 1795.*]

An ACT for incorporating a Part of the Inhabitants of the Towns of *Partridgfield* and *Dalton*, in the County of *Berkshire*, into a Parish, and for confirming the Sale of a certain Lot of Land therein mentioned.

[This Act passed *June 23, 1795.*]

June 26, 1794.

An ACT in Addition to an Act, entitled, "An Act to incorporate certain Persons, by the Name of *The north-west Congregational Society in North-Yarmouth.*"

[This Act passed *June 23, 1795.*]

An ACT to authorize a Sale, by the first Parish in *Cambridge*, in the County of *Middlesex*, of certain Lands given for the Use of the Ministry there, and to secure the Proceeds thereof, and of a former Sale of Lands by the said Parish, to the same Use.

[This Act passed *June 23, 1795.*]

An ACT giving the surname of *Darling* to *Leonard Warfield*, of *Mendon*.

[This Act passed *June 23, 1795.*]

An

An ACT for granting to the United States of America the Light-House situate at the Entrance of the Harbour of *Nantucket*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there be and hereby is granted unto the United States of America the Light-House situate on *Brant-Point*, at the entrance of the harbour of *Nantucket*, together with the lands and tenements thereunto belonging, the property of this Commonwealth, with the jurisdiction of the same; and the Light-House aforesaid, together with the lands and tenements thereto belonging, the property of this Commonwealth, with the jurisdiction of the same, are hereby ceded to and vested in the United States of America :

Light-House
granted the
United States.

SECT. 2. *Provided nevertheless, and be it further enacted,* That if the United States shall, at any time hereafter, neglect to keep lighted and in repair, the Light-House aforesaid, then the grant herein made shall be void and of no effect. *Provided also,* That all civil and criminal processes, issued under the authority of this Commonwealth, or any officers thereof, may be executed on said lands, or in any of the buildings aforesaid, in the same way and manner as if the jurisdiction had not been ceded, as aforesaid.

Proviso.

[This Act passed June 23, 1795.]

An ACT to incorporate a Number of the Inhabitants of the first Precinct in *Attleborough*, in the County of *Bristol*, into a Society by the Name of *The Congregational Society of the first Precinct in Attleborough*.

[This Act passed June 23, 1795.]

An ACT establishing the Boundary Line between the Town of *Williamsburg*, and the Towns of *Chesterfield* and *Goshen*.

[This Act passed June 24, 1795.]

An ACT for incorporating *Woodbury Storer*, and others, by the Name and Style of *The Proprietors of the Cumberland Canal*.

[This Act passed June 25, 1795.]

An

Addit. Act,
Feb. 13, 1799.

An ACT to incorporate fundry Persons by the Name
of *The Massachusetts Fire Insurance Company*.

Persons incor-
porated.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Andrews, John Winthrop, William Wetmore, Jesse Putnam, William Shattuck, William Brown, Jonathan Harris and Samuel Salisbury, so long as they shall continue Proprietors, and such others as hereafter may become Proprietors in said Company, be and they hereby are incorporated by the name of the Massachusetts Fire-Insurance Company; and by that name shall be capable, in law, to sue, plead and prosecute, and be sued, impleaded and prosecuted, in all Courts of Record, or any other Courts or places whatsoever, and do and suffer all other acts and things, which bodies politic may and ought to do and suffer: And said Corporation shall have full power and authority to make, use and have a common seal, and the same at pleasure to break, alter and renew.*

Amount which
the capital shall
consist of, and
each share.

SECT. 2. *And be it further enacted, That the stock or capital of said Corporation, and until it be augmented in manner herein after authorized, shall consist of Three Hundred Thousand Dollars, which shall be divided into three thousand shares; each share consisting of One Hundred Dollars: The said sum to be paid by instalments in manner following, to wit—on or before the first day of September next, and previous to any insurance made, Ten Dollars on each share: The remainder of said capital, to be completed at the expiration of nine years from the first day of said September, by annual payments of Ten Dollars on each share.*

Stock may be
augmented.

SECT. 3. *And be it further enacted, That said Proprietors may and they hereby are authorized to augment at any future period, at their discretion, their capital to any sum which shall not exceed Six Hundred Thousand Dollars, to be appropriated to the same purposes, and invested in the same stock and funds as is herein after mentioned.*

Losses to be
equally ap-
portioned on
all shares.

SECT. 4. *And be it further enacted, That if at any time, previous to the expiration of said nine years, the losses of said Company shall exceed the amount of stock on hand, in such case, said Corporation shall equally apportion the amount of all demands upon said Company, on all the shares, and make an assessment of the amount of such apportionment, and of Ten additional Dollars on each share; which assessment shall be payable in sixty days after public notice shall be given thereof by an advertisement in any Boston newspaper. Provided always, That no Proprietor shall be liable, or his estate, real or personal, answerable for any sum exceeding One Hundred Dollars on each share he holds.*

SECT. 5. *And be it further enacted, That if any Proprietor shall fail to make payment of said assessment last mentioned,*
after

after said notice, on or before the expiration of said sixty days, the said Corporation are hereby authorized and empowered to sue for and recover said assessment; any law, usage or custom to the contrary notwithstanding. And if any Proprietor shall fail to pay his annual instalment, or any assessment lawfully made by said Corporation, on such Proprietor, on or before the day appointed for payment of the same, the said Corporation are hereby authorized and empowered to sue for and recover the same in manner aforesaid; and such delinquent proprietor shall forfeit his right and title to all interests, premiums and profits then due, and that shall become due, prior to his actual payment of such instalment or assessment, and the same shall enure and accrue to the use and benefit of said Corporation.

SECT. 6. *And be it further enacted*, That the capital of said Corporation, after being collected at each instalment, shall, within sixty days, be invested either in the funded debt of the United States, or of this Commonwealth, or in the stock of the United States Bank, or of any incorporated Bank in this Commonwealth, at the discretion of the President and Directors of said Company, or of other officers, which the Proprietors shall for such purpose appoint. And that the interest arising from said stock, and the premiums received, shall be annually divided among the Proprietors: *Provided always*, That if any loss or losses shall at any time diminish the capital, at such time collected, in such case no dividend shall be made until such loss or losses be completely restored.

SECT. 7. *And be it further enacted*, That said Corporation may, and they hereby are authorized and empowered to make insurance against fire, on dwelling-houses, and all other buildings whatsoever, and on all goods, wares and merchandizes on land, to any amount not exceeding three fourths of the value of the buildings or other property insured.

SECT. 8. *And be it further enacted*, That nothing in this Act shall be deemed or construed to extend, to authorize or empower said Corporation to be seized or possessed of any real estate, except such as shall be occupied by said Corporation, for transaction of the business of the Company.

SECT. 9. *Be it further enacted*, That the property of every individual Member of said Corporation, vested in said corporate funds, shall be liable to attachments, and to the payment and satisfaction of his just debts to any of his *bona fide* creditors, in manner following, *viz.* In addition to the summons, by law prescribed to be left with the debtor, a like summons shall be left with the office-keeper of said Company, and the debtor's shares in said corporate funds shall be held to respond said suit, according to law: And all transfers of the debtors' shares not noted in the Company's books previous to the delivery of such summons, shall be barred thereby, and execution may be levied upon the property of any Proprietor

Corporation empowered to sue proprietors in case of non-payment of assessments and annual instalments.

Capital to be invested in a secure place.

Interest annually divided. *Provido.*

Corporation empowered to insure against fire.

Debarred the possession of real estate, except, &c.

Property of individual Members liable to attachments of their just debts.

in said Company, and his shares therein exposed to sale, in the same manner as is by law provided where personal estate is taken in execution; and it shall be the duty of the officer who extends such execution, to leave an attested copy thereof, with his doings thereon, with the office-keeper of said Company; and the purchaser shall thereupon be entitled to the reception of all dividends and stock, and to the same privileges as a Member of said Corporation, that the debtor was previously entitled to: And upon any attachment being made, or execution levied upon any shares in said funds, it shall be the duty of said office-keeper, and the keeper of said Company's books, to expose the books of said Corporation to the officer, and to furnish him with a certificate under his or their hand, in his or their official capacity, ascertaining the number of shares the debtor holds, and the amount of dividends due thereon.

Officers to be appointed, with suitable powers.

SECT. 10. *And be it further enacted*, That for the well governing and regulating the affairs of said Corporation, they shall have such officers as they shall hereafter appoint, and shall grant them suitable compensation for their services; and such officers shall be capable of exercising such powers as shall be designated and annexed to their office by the laws and regulations of said Corporation for the well governing the same; and for that purpose, of calling such occasional meetings as shall be fixed and determined by said laws and regulations.

Majority of present voters, to decide on all matters.

SECT. 11. *And be it further enacted*, That at all meetings of said Corporation, every matter shall be decided by the major votes of persons present, who are Proprietors, or who represent Proprietors. The number of votes to be determined by the number of shares each voter holds or represents; *Provided*, No Proprietor or voter shall be entitled to more than ten votes.

Persons empowered to call meetings.

SECT. 12. *And be it further enacted*, That John Andrews, John Winthrop and Jesse Putnam, or any two of them, be empowered to call a meeting of said Proprietors, at such time and place as they may think convenient, by advertising the same in any Boston newspaper, seven days before the time of holding such meeting.

Act limited.

SECT. 13. *And be it further enacted*, That this Act shall remain in force for the term of twelve years, and no longer.

[This Act passed June 25, 1795.]

An ACT for incorporating Joseph Noyes, and others, by the Name and Style of *The Proprietors of the Falmouth Canal*.

[This Act passed June 25, 1795.]

An ACT to incorporate certain Persons who have formed a Society for the Information and Aid of Foreigners in their Migration and Settlement, by the Name of *The Massachusetts Society for the Aid of Emigrants*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Andrews, Joseph Blake, Martin Brimmer, William Brown, Samuel Brown, Charles Bulfinch, Benjamin Clarke, Thomas Clark, John Codman, Robert Davis, Richard Dewens, Aaron Dexter, Joseph Eckley, Edward Edes, Frederick William Geyer, Nathaniel Gorham, Stephen Gorham, Henry Hill, Joseph Howard, William Lambert, Benjamin Lincoln, William Little, John Lowell, John Lucas, Theodore Lyman, Mungo Mackay, Joseph May, Jedediah Morse, Samuel Parkman, Aaron Putnam, Thomas H. Perkins, Thomas Robinson, Thomas Russell, Joseph Russell, Samuel Sewall, William Sherburne, Eliza Sigourney, Samuel Smith, Oliver Smith, William Smith, Russell Sturgis, Peter Thacher, Edward Tuckerman, Charles Vaughan, Ebenezer Wales and Josiah Waters, with all others who, being citizens of this Commonwealth, are or shall become their associates, be and they hereby are constituted and made a Corporation; by the name of The Massachusetts Society for the Aid of Emigrants, and shall be capable of taking and holding, by virtue of any purchase, gift or devise, any real or other estate not exceeding, in the whole amount, the sum of Twenty Thousand Dollars. And the said Corporation shall hold meetings, for the choice of its officers, on the first Tuesday of June annually.*

Persons incorporated.
Amount of property they may hold.

SECT. 2. *And be it further enacted by the authority aforesaid, That it shall be the more especial care of the said Society to render to all foreigners, not of ill fame, who shall arrive within this Commonwealth, and shall make suitable application to the said Society, their officers or agents, the most needful information and advice, to promote the advantageous settlement and employment of such emigrants. And the said Society shall provide for the making and preserving accurate lists and memorials, as far as may be, of the names, nation, age, sex, condition, handicraft, employment and settlement of all emigrants which shall come to their knowledge, and such lists or memorials, and all other doings of the said Society, shall be open to the inspection of the Supreme Executive, and of the Legislature of this Commonwealth, upon their requisition.*

Duty and care of the Society.

SECT. 3. *And be it further enacted, That the said Society shall take especial care to prevent convicts, and persons of notorious ill fame, from being brought into this Commonwealth by any master, or other person having charge of any vessel, and the penalty and forfeiture established against such offence, by the Act for the relief, employment and removal of the poor,*

Persons of ill fame, not to be admitted.

June 25, An. 1795.

poor, and for repealing all former laws made for those purposes, passed *February* the twenty-sixth, seventeen hundred and ninety-four, may be prosecuted for by the said Society, their officers or agents; and when recovered on such prosecution, shall enure wholly to the said Society, and shall be appropriated under their direction, to promote the design of this Incorporation.

Selectmen empowered to attend to applications.

SECT. 4. *And be it further enacted*, That in order to render the beneficial purposes of the afore mentioned institution as extensive as possible, the Selectmen of the several towns of this Commonwealth are hereby directed and empowered to pay suitable attention to the applications of emigrants, and to give to all persons of good character such advice and information as will enable them to obtain the earliest employment in their respective occupations.

[This Act passed *June 25, 1795.*]

Feb. 3, 1796.

An ACT to incorporate sundry Persons by the Name of
The President and Directors of the Merrimack Bank.

Preamble.

WHEREAS *William Bartlet*, and others, have, by their petition to this Court, set forth, that they have subscribed to a fund for the establishment of a Bank in the town of *Newbury-Port*, and have prayed to be incorporated for that purpose:

Persons incorporated for a limited time.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That *William Bartlet, Moses Brown, Tristram Coffin, William Coombs, Nicholas Johnson, George Searle and Ebenezer Stocker*, their associates, successors and assigns, shall be and hereby are created and made a Corporation, by the name of *The President and Directors of the Merrimack Bank*, and shall so continue from the first day of *July* next until the expiration of ten years next following: And by that name shall be and hereby are made capable, in law, to sue and be sued, plead and be impleaded, defend and be defended, in any Courts of Record, or any other place whatever; and also to make, have and use a common seal, and the same again at pleasure to break, alter and renew; and also to ordain, establish and put in execution such by-laws, ordinances and regulations, as to them shall appear necessary and convenient for the government of said Corporation, and the prudent management of their affairs: *Provided*, Such by-laws, ordinances and regulations shall be, in no wise, contrary to the Laws and Constitution of this Commonwealth: And the said Corporation shall be always subject to the rules, restrictions, limitations and provisions herein prescribed.

Legally to act, and be acted upon.

Proviso.

SECT.

SECT. 2. *And be it further enacted,* That the capital stock of said Corporation shall consist of a sum not less than *Seventy Thousand Dollars*, nor more than *One Hundred and Fifty Thousand Dollars*, in specie, and shall be divided into shares of *One Hundred Dollars* each; and the Stockholders at their first meeting shall, by a majority of votes, determine the amount of the payments to be made on each share, and the times when each payment shall be made; also the mode of transferring and disposing of the stock and profits thereof: which being entered on the books of said Corporation, shall be binding on the Stockholders, their successors and assigns: *Provided*, That no Stockholder shall be allowed to borrow at said Bank until he shall have paid in his full proportion of the *Seventy Thousand Dollars* aforesaid. And said Corporation are hereby made capable, in law, to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and assigns, lands, rents, tenements and hereditaments, to the amount of *Ten Thousand Dollars*, and no more at any one time, with power to bargain, sell and dispose of the same lands, tenements and hereditaments, and to loan and negotiate their monies and effects by discounting, on banking principles, on such security as they shall think advisable.

Amount of
Stock.

Stockholders
to determine
respecting
payments.

Proviso.

Corporation
entitled to hold
estate.

SECT. 3. *And be it further enacted,* That the following rules, limitations and provisions shall form and be the fundamental articles of said Corporation:

First. That the said Corporation shall not owe, at any one time, more than twice the amount of their capital stock in addition to the simple amount of all monies actually deposited in said Bank for safe keeping; and in case of any excess, the Directors, under whose administration it shall happen, shall be liable for the same in their private capacity; but this shall not be construed to exempt the said Corporation, or any estate, real or personal, which they may hold as a body corporate, from being also liable for and chargeable with such excess.

Fundamental
articles of the
Corporation.

Second. That the said Corporation shall not vest, use or improve any of their monies, goods, chattels or effects in trade or commerce; but may sell all kinds of personal pledges lodged in their hands, by way of security, to an amount sufficient to reimburse the sum loaned.

Third. That the lands, tenements and hereditaments which said Corporation may hold, shall be only such as shall be requisite for the convenient transaction of its business.

Fourth. None but a Member of said Corporation, being a citizen of this Commonwealth, and resident therein, shall be eligible for a Director or Cashier; and the Directors shall choose one of their own number, to act as President. And the Cashier, before he enters on the duties of his office, shall give bond, with two sureties, to the satisfaction of the Board of Directors, in a sum not less than *Ten Thousand Dollars*, with

with condition for the faithful discharge of the duties of his office.

Fifth. No Director of any other Bank shall be eligible to the office of a Director of this Bank, although he may be a Stockholder herein ; and any Director accepting an office in any other Bank, shall be deemed to have vacated his place in this Bank.

Sixth. That for the well ordering of the affairs of said Corporation, a meeting of the Stockholders shall be held at such place as they shall direct, on the first Monday in *January* annually, and at any other time during the continuance of said Corporation, at such place as shall be appointed by the President and Directors, for the time being, by public notification being given one week previous ; at which annual meeting there shall be chosen, by ballot, seven Directors, to continue in office the year ensuing their election ; and the number of votes to which each Stockholder shall be entitled, shall be according to the number of shares he shall hold, in the following proportions ; *that is to say*, for one share, one vote, and every two shares above one, shall give a right to one vote more : *Provided*, No one Member shall have more than ten votes ; and absent Members may vote by proxy, authorized in writing.

Seventh. No Director shall be entitled to any emolument for his services ; but the Stockholders may make the President such compensation as to them shall appear reasonable.

Eighth. Not less than four Directors shall constitute a Board for the transaction of business ; of whom the President shall always be one, except in case of sickness or necessary absence ; in which case, the Directors present may choose a Chairman, for the time being, in his stead.

Ninth. All bills issued from the Bank aforesaid, and signed by the President, shall be binding on said Corporation ; but it shall not be lawful for them to issue any bills of a less denomination than *Two Dollars*.

Tenth. The Directors shall make half yearly dividends of all the profits, rents, premiums and interests of the Bank aforesaid.

Eleventh. The Directors shall have power to appoint a Cashier, Clerks, and such officers for carrying on the business of the Bank, with such salaries as to them shall seem meet.

Bank established
in Newbury
Port.

SECT. 4. *And be it further enacted*, That said Bank shall be kept and established in the town of *Newbury-Port* aforesaid.

And whereas it is repugnant to the principles of a free government, that the property of any of its citizens shall be placed out of the reach of their just creditors :

SECT. 5. *Be it further enacted*, That the property of every individual Member of said Corporation, vested in said corporate funds,

funds, shall be liable to attachment, and to the payment and satisfaction of his just debts to any of his *bona fide* creditors, in manner following, *namely*: In addition to the summons by law prescribed to be left with the debtor, a like summons shall be left with the Cashier of said Bank; and the debtor's share or shares in said corporate funds, together with the interest, rents and profits due, or growing due, thereon, shall thereby be held to respond said suit, according to law; and all transfers of the debtor's shares in the said corporate funds, not noted in the Bank books previous to the delivery of such summons, shall be barred thereby; and execution may be levied on the property of any Stockholder in said Bank, and his shares therein exposed to sale, in the same manner as is by law provided where personal estate is taken by execution; and it shall be the duty of the officer who extends such execution, to leave an attested copy thereof, with his doings thereon, with the Cashier of said Bank; and the purchaser shall thereon be entitled to the reception of all dividends and stock, and to the same privileges as a Member of said Corporation, that the debtor was previously entitled to; and upon any attachment being made, or execution being levied on any share in said Bank, it shall be the duty of the Cashier of said Bank to expose the books of said Corporation to the officer, so far as respects the number of shares said debtor may own; and to furnish him with a certificate, under his hand, in his official capacity, ascertaining the number of shares the debtor holds in said Bank, and the amount of the dividend thereon due.

Property of individuals liable to attachment for just debts.

SECT. 6. *And be it further enacted*, That any Committee, specially appointed by the Legislature for the purpose, shall have a right to examine into the doings of said Corporation, and shall have free access to all their books; and if, upon such examination, it shall be found, and after a full hearing of said Corporation thereon, be determined by the Legislature, that said Corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions and conditions in this Act provided, their incorporation shall thereupon be declared forfeited and void.

Special Committee empowered to examine the doings of the Corporation.

SECT. 7. *And be it further enacted*, That the persons herein before named, or any three of them, are authorized to call a meeting of the Members and Stockholders of said Corporation as soon as may be, at such time and place as they may see fit, in *Newbury-Port*, by advertising the same for three weeks successively, in the *Impartial Herald*, printed there, for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations, for the orderly conducting of the affairs of said Corporation, as the said Stockholders shall deem necessary, and for the choice of the first Board of Directors, and such other officers as they shall see fit to choose.

Persons authorized to call a meeting.

SECT.

Amount of
stock to be at
stated times
transmitted to
Governor, &c.

SECT. 8. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors of the said Bank, to transmit to the Governor and Council of this Commonwealth, for the time being, once in six months, at least, and as much oftener as they may require, accurate and just statements of the amount of the capital stock of said Corporation, and of debts due to the same; of the monies deposited therein; of the notes in circulation; and of the cash on hand; which statements shall be signed by the Directors, and attested by the Cashier.

[This Act passed June 25, 1795.]

An ACT to alter the Name of *John Williams*, to the Name of *John Davis Williams*.

[This Act passed January 20, 1796.]

An ACT granting to the Proprietors of the Locks and Canals on *Merrimack-River*, a further Time to complete the Canal and Locks by *Patucket-Falls*.

[This Act passed January 22, 1796.]

An ACT for granting a Lottery for the Purpose of altering, making, and repairing certain Roads in the Town of *Gloucester*, in the County of *Essex*.

[This Act passed January 26, 1796.]

An ACT to set off *Nathaniel Lawrence*, with his Estate, from the Town of *Groton*, and annex them to the Town of *Dunstable*.

[This Act passed January 26, 1796.]

An ACT for the Preservation of a Monument erected on the Heights of *Charlestown*.

[This Act passed February 3, 1796.]

An ACT to incorporate the Plantation of *Washington*, lying west of *Sydney*, in the County of *Lincoln*, into a Town by the Name of *Belgrade*.

[This Act passed February 3, 1796.]

An ACT for altering the Name of the Bank incorporated by an Act made and passed in the Year One thousand seven hundred and ninety-five, entitled, "An Act to incorporate sundry Persons by the Name of *The President and Directors of the Merrimack-Bank.*"

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the name of said Corporation shall be altered from the name of The President and Directors of the Merrimack-Bank, and shall be The President, Directors and Company of the Merrimack-Bank; and by that name the said Corporation shall be capable and liable, in law, and shall have the same powers and rights, and shall be subject to all the restrictions and duties, which are by the said incorporating Act given, required and established. Provided, That all and every note and obligation, and all contracts already made and entered into by or with the said Corporation by the name of The President, Directors and Company of the Merrimack-Bank, or by the name of The President and Directors of the Merrimack-Bank, shall be in full force and effect, to all intents and purposes, for and against the said Corporation; any thing to the contrary, in the said incorporating Act, or in this Act, notwithstanding.

Name altered.

Provide.

[This Act passed February 3, 1796.]

An ACT to enable the Town of *Natick* to regulate and order the taking of the Fish called Shad and Alewives, within the Limits of said Town.

[This Act passed February 5, 1796.]

An ACT to alter the Times of holding the Courts of General Sessions of the Peace, and Courts of Common Pleas, in the Counties of *Middlesex, Hampshire, Bristol, Worcester and Berkshire.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of September next, the several Courts of General Sessions of the Peace and Courts of Common Pleas, by law to be holden within and for the counties of Middlesex, Hampshire, Bristol, Worcester and Berkshire, in this Commonwealth—shall be respectively holden and commenced on Monday next preceding the Tuesday on which said Courts are now by law required to be holden; and all

Courts altered in several counties.

writs

writs and processses for the said Courts, shall be made returnable, and shall be taken and have day by continuance, and otherwise, in said Courts accordingly : And the Grand and Petit-Jurors by law to be summoned to the said Courts, shall be summoned and holden to appear on the Tuesday or second day of each term respectively, under the same penalties as are now established ; any law to the contrary notwithstanding.

[This Act passed *February 6, 1796.*]

An ACT to incorporate the Plantation called *Jones' Plantation*, in the County of *Lincoln*, into a Town by the Name of *Harlem*.

[This Act passed *February 8, 1796.*]

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *Kennebeck-River*, at *Fort-Western*, in the Town of *Hallowell*.

[This Act passed *February 8, 1796.*]

An ACT in Addition to an Act passed in the Year of our LORD One thousand seven hundred and eighty-three, incorporating the east Parish of *South-Brimfield*, into a District by the Name of *Holland*.

[This Act passed *February 8, 1796.*]

An ACT to incorporate the Plantations *Number Twelve* and *Thirteen*, west of *Machias*, in the County of *Washington*, into a Town by the Name of *Columbia*.

[This Act passed *February 8, 1796.*]

An ACT to divide the Town of *Penobscot* into two distinct Towns, and to incorporate the southerly Part thereof into a Town by the Name of *Castine*.

[This Act passed *February 10, 1796.*]

An ACT to incorporate the northerly Part of the Plantation called *Duck-Trap*, in the County of *Hancock*, into a Town by the Name of *Northport*.

[This Act passed *February 13, 1796.*]

An ACT establishing and regulating the Fees of the several Officers, and other Persons hereafter mentioned ; and for repealing the Laws heretofore made for that Purpose.

Acts to continue this Law,
June 21, 1798,
Feb. 26, 1799.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of April next, the Fees of the several persons hereafter mentioned, for the services respectively annexed to their names, shall be as follows, viz.*

JUSTICES' FEES.

For every blank writ of attachment and summons thereon, Justices' fees. or original summons, *Seventeen Cents.*

For the declaration in each writ of attachment and summons thereon, or original summons triable before a Justice, *Forty Cents.*

Every subpoena, for one or more witnesses, *Ten Cents.*

For the entry of an action, or filing a complaint in civil causes, including filing of papers, examining, allowing and taxing the bill of costs, and entering up the judgments and recording the same, *Sixty-One Cents.* The trial of an issue, *Fifty Cents.*

Copy of every evidence, original paper, or record, if under a page, *Ten Cents*, if upwards of a page, at the rate of *Twelve Cents* per page. Writ of execution, *Twenty-Five Cents.*

A recognizance to prosecute an appeal, including principal and surety, *Twenty Cents.*

Taking affidavits out of Court to be used in the trial of any cause actually depending, *Twenty Cents* ; for the Justices' travel therefor, both going out and returning home, at the rate of *Fifty Cents* for every ten miles ; for writing the deposition, caption, and notification, at the rate of *Twelve Cents* per page ; and the Justice who shall take any deposition, shall certify his own and the deponent's fees.

Taking affidavits, in perpetual remembrance of the thing, to each Justice, *Twenty Cents* ; and for his travel and the writing, the same as in the case last mentioned.

Administering an oath to persons appointed to appraise estates, or to appraise and divide real estates, together with certificates of the same, *Twenty Cents.*

Administering an oath to one or more witnesses at the same time, before Referees or Arbitrators, *Twenty Cents* ; and for travel for that purpose, the same as in the case of taking affidavits.

Taking the acknowledgment of a deed with one or more seals, provided it be at one and the same time, and certifying the same, *Seventeen Cents.*

Granting a warrant, swearing appraisers relating to strays, and entering the same, *Thirty-Two Cents.*

Administering oaths in all other cases, with certificates, except oaths to town, district or parish officers, *Twenty Cents*.

Receiving a complaint and issuing a warrant in criminal cases, *Fifty Cents*.

Entering a complaint in criminal prosecutions, rendering judgment and recording the same, examining, allowing, and taxing the costs and filing the papers, *Seventy-Five Cents*.

Recognizing persons charged with crimes, for their appearance at the Court of General Sessions of the Peace or at the Supreme Judicial Court, and for certifying and returning the same with or without sureties, *Twenty-Five Cents*, to be paid by the person so recognizing.

For a mittimus for the commitment of any person on a criminal accusation, *Twenty-Five Cents*.

CORONERS' FEES.

Coroners' fees.

For serving a writ, summons, or execution, and for collecting the monies due thereon, and for travel in returning precepts and inquisitions, the same allowance as is by this Act allowed to Sheriffs for similar services. For a bail-bond, *Twenty-Five Cents*.

Every trial where the Sheriff is concerned, *Twenty-Five Cents*; and the same for attending the Jury therein.

Granting a warrant and taking an inquisition on a dead body, *One Dollar*; if more than one at the same time, and who came to their death by the same means, *Twenty Cents* for each one after the first.

Travel and expense for taking an inquisition, *One Dollar* a day, to each of the Jurymen for their travel, if above four miles out, *Three Cents* a mile each way, and for their services, *Seventy-Five Cents* per day, including time and expenses.

The Constable, for his attendance and expenses in summoning a Jury, *Ninety Cents* a day.

And all the aforesaid charges of the inquisition shall be paid out of the county treasury, except such as are taken upon bodies of strangers, not belonging to this Commonwealth; and in such cases, the expenses shall be paid out of the treasury of this Commonwealth; an account of such expenses being first examined and allowed by the Court of General Sessions of the Peace, in the County in which such inquisition shall be taken.

FEES OF JUDGES OF PROBATE.

Probate fees.

For granting administration, where there is no litigation, *Fifty Cents*; and in other cases, *One Dollar*.

Appointing or allowing guardians to minors, *Forty Cents* in each case, except in cases where one guardian is appointed for more than one minor, when the Judge shall be entitled to *Five Cents* each, for all more than one minor.

A decree respecting the probate of a will or codicil, where the same is not contested, *Fifty Cents*; and in all other cases, *One Dollar*.

Examining

Examining and allowing an inventory, swearing the executor or executors, administrator or administrators, *Twenty Cents*.

Swearing appraisers of an estate, *Fifteen Cents*.

Examining and allowing accounts, not exceeding two pages, *Forty Cents*; and for all above two pages, at the rate of *Fifteen Cents*, each page. A decree for settling an intestate estate, *Forty Cents*.

A citation, *Fifteen Cents*.

A summons for one or more witnesses, *Ten Cents*.

A quietus, *Twenty Cents*.

A warrant to appraise or divide estates, *Thirty Cents*.

Issuing a commission to receive and examine the claims of creditors, when an estate is represented insolvent, *Twenty Cents*.

An order of distribution, *Twenty Cents*.

Granting an appeal to the Supreme Court, *Twenty Cents*.

REGISTER OF PROBATE'S FEES.

For writing a bond and letter of administration, *Forty Cents*. Probate fees.

Writing a bond and letter of guardianship, and making record thereof, for one minor, *Sixty Cents*; and if for more than one minor for whom the same guardian is appointed at the same time, *Ten Cents* for each minor more than one.

Drawing a decree respecting the probate of a will or codicil, *Forty Cents*. Writing a bond for the executor, *Twenty Cents*.

Writing a warrant to appraise the estate of a person deceased, *Twenty Cents*.

A warrant to divide an intestate estate among the heirs; writing a warrant to set off a widow's dower, or a warrant to receive and examine the claims on an insolvent estate, *Twenty Cents*.

Entering the account of an executor, administrator or guardian, and an allowance thereof, or for entering on an inventory the oath of an executor or administrator, *Fifteen Cents*.

Drawing up a decree on the settlement or partition of an estate, *Twenty Cents*.

For drawing an order of distribution, *Twenty Cents*.

A quietus, *Twenty Cents*.

A citation, *Fifteen Cents*.

A summons for a witness or witnesses, *Ten Cents*.

Proportioning an insolvent estate among the creditors thereto, at the rate of *Fifty Cents* for every twelve creditors, every creditor's proportion being distinguished.

Recording any matter, at the rate of *Twelve Cents* each page, and the same for a copy of any paper.

A bond of appeal, *Twenty Cents*.

And no fee shall be demanded by the Register of Probate, for taking from the files in his office, or transporting to the place of the sitting of the Probate Court, such papers as are necessary in the settlement of any estate or account in the said Court.

IN THE COURT OF COMMON PLEAS.

JUSTICES' FEES.

Justices' fees
in the Com-
mon Pleas.

For the entry of an action, including the taxing of the bill of costs, *Eighty Cents*. And in every action where an issue in law or fact is joined, *One Dollar*, in addition to the fee for entry.

Granting an appeal, and taking a recognizance of the principal and surety or sureties, *Twenty Cents*. Proving a deed, *Twenty Cents*.

Surrender of a principal into Court, by his bail, *Twenty Cents*.

Granting a writ of protection, *Twenty-Five Cents*.

Entering a petition, and making an order thereon for the sale or partition of a real estate, *Seventy Cents*.

Accepting partition of real estate, *Forty Cents*.

Accepting a report of referees, where the acceptance thereof is contested, *Sixty Cents*; otherwise, *Thirty Cents*.

FEES OF THE CLERK OF THE COURT OF COMMON PLEAS.

Clerk of the
Court of Com-
mon Pleas' fees.

For the entry of an action, including the taxing of the bill of costs, and filing the papers, *Fifty Cents*.

Entering and recording a verdict or report of referees, *Twelve Cents*. Every action withdrawn or nonsuit, *Eight Cents*.

Confessing judgment, or default, or joinder in demurrer, *Ten Cents*.

Entering up judgment, and recording the same at large when no issue is joined, *Twenty Cents*; and where an issue in law or fact is joined, *Forty Cents*.

Acknowledging satisfaction of a judgment on the record, *Eight Cents*.

Entering an appeal, and recognizing principal and sureties, *Fifteen Cents*.

Continuing each cause to the next term, *Twelve Cents*.

Entering the surrender of a principal into Court, and making a record thereof, *Fifteen Cents*.

For entering a petition and order thereon for the partition or sale of real estate, *Twenty Cents*; and for recording such petition and order, at the rate of *Twelve Cents* a page.

Entry of a rule of Court, upon the parties' submitting a cause to referees, *Fifteen Cents*.

Proving a deed in Court, and certifying the same, *Twenty Cents*.

Every blank writ of attachment, with summons thereon, *Fifteen Cents*.

Every blank writ of *Scire Facias*, or original summons, *Fifteen Cents*.

An original or alias writ of execution in personal matters, and filing the same, when returned; *Twenty-Five Cents*.

A writ

A writ of possession in real actions, *Forty Cents.*

A writ of protection or *Habeas Corpus*, *Twenty-Five Cents.*

A subpoena for one or more witnesses, *Ten Cents.*

A *Duces Tecum*, *Twenty-Five Cents.*

Each *Venire Facias*, for Jurymen, to be paid out of the county-treasury, *Five Cents.* Opening and filing a deposition, *Eight Cents.*

IN THE COURT OF GENERAL SESSIONS OF THE PEACE.

TO EACH JUSTICE.

For each day's constant attendance in Court, *One Dollar.*

And no Justice shall be allowed pay for more than two days' attendance at any one term. *Fees of Justices of the Sessions.*

To each Justice who shall travel more than ten miles to the Court-House or place where the Court sits, at the rate of *One Dollar* for every twenty miles travel, computing out and home : The travel and attendance to be paid out of the county-treasury ; except such Justices as are sworn Attornies at law, or Clerks of the several Courts of Sessions, who shall not be allowed for travel or attendance ; the Clerk of said Courts shall keep an account of their attendance as aforesaid. And all fines that shall be assessed by said Court, and are not otherwise appropriated by law, shall be paid into the county-treasury, for the use of the county.

FEEES OF THE CLERK OF THE COURT OF GENERAL SESSIONS OF THE PEACE.

Entering an indictment, presentment, complaint or information, including the recording of the judgment of the Court therein, examining and casting the bill of costs, and filing the papers, *Sixty-Five Cents.* Discharging a recognizance, *Ten Cents.* *Fees of Clerk Gen. Sessions of the Peace.*

Each warrant for a criminal, *Twenty Cents.*

Each subpoena for witness or witnesses, *Ten Cents.*

Each recognizance for an innholder or retailer, including principal and sureties, and for transmitting the name of the licensed person to the Selectmen, and recording the license, *Fifteen Cents.*

A warrant for county tax, *Twenty Cents.*

Warrant to lay out or alter a road, *Twenty Cents.*

Examining and casting the Grand-Jurors' account yearly, and the order thereon, *Thirty Cents.*

Examining any other account, *Eight Cents.*

Recording the reports of highways and other matters by order of the Court, *Twelve Cents* a page.

Copies of all papers or records, *Twelve Cents* a page.

Entering an appeal, and recognizing principal and sureties, *Twenty Cents.*

Keeping an account of the attendance of the Justices of the Court of General Sessions, each term, to be paid out of the county-treasury, *Seventy-Five Cents.*

IN THE SUPREME JUDICIAL COURT.

JUSTICES' FEES.

Judges' fees.

Entering an action or complaint, including the taxing of a bill of costs, *One Dollar and Twenty Cents.*

Taking special bail, *Forty Cents.*

Allowing a writ of error, granting *Certiorari*, *Habeas Corpus*, or other writ, on motion, *Forty Cents.*

Granting a writ of protection, *Thirty Cents.*

Proving a deed, *Twenty Cents.*

Entering a petition, and making order thereon for the sale or partition of real estate, *One Dollar.*

Accepting a partition of real estate, *Forty Cents.*

The foregoing fees to be paid to the Clerk of said Court ; who shall, some time in the month of *December* annually, certify to the Governor and Council the sums by him so taken and received and paid over to the said Justices, that the same may be deducted from the said Justice's salary ; and the Governor and Council are hereby empowered to deduct the same accordingly.

FEES OF THE CLERK IN THE SUPREME JUDICIAL COURT.

Clerk of Sup.
Jud. Court's
fees.

Entering each action for trial, *Seventy Cents.*

Entering each complaint, *Thirty-Five Cents.*

Receiving and recording a verdict, *Forty Cents.*

A writ of review, *Seventy Cents.*

A writ of *Scire Facias*, *Forty Cents.*

An original writ of execution, including the taxing of the costs, and filing of the papers, *Sixty-Five Cents.*

An original writ of *Habere Facias Possessionem*, including the taxing of the costs, and filing of the papers, *Eighty Cents.*

An alias writ of execution, *Thirty-Five Cents.*

An alias writ of *Facias Habere Possessionem*, *Fifty Cents.*

A writ of *Habeas Corpus*, *Forty Cents.*

Copies of all papers containing less than one page, *Ten Cents* each ; of all papers containing more than a page, at the rate of *Twelve Cents* a page. Entering a rule of Court, *Fifteen Cents.*

Confessing judgment or default, *Twenty Cents.*

Every action withdrawn or nonsuit, *Twenty Cents.*

Entering an appearance, *Ten Cents.*

Acknowledging satisfaction of a judgment, on record, *Twelve Cents.*

Continuing each cause, and entering the same next term, *Twenty Cents.*

Proving a deed in Court, and certifying the same, *Twenty Cents.*

Entering up a judgment, and recording the same at large, in cases where judgment is rendered, on verdict, demurrer, or state of facts, *Sixty Cents* ; and in all other cases, *Thirty Cents.*

For

For each *Venire Facias* for Jurymen, to be paid out of the county-treasuries respectively, on the Justice's certificate, *Six Cents*.

Every writ and seal, other than before mentioned, *Forty Cents*.

Every subpoena, for one or more witnesses, *Ten Cents*.

Each recognizance, including principal and sureties, *Twenty Cents*.

Recording judgment in every criminal cause, *Forty Cents*.

A writ of protection, *Twenty Cents*.

Entering a discharge of a recognizance by proclamation, *Fifteen Cents*. For opening and filing a deposition, *Ten Cents*.

ALLOWANCE TO PARTIES AND WITNESSES.

To parties recovering costs, for an Attorney in all causes where an issue in law or fact is joined in the Supreme Judicial Court, *Two Dollars Fifty Cents*, and in all other causes in said Court, *One Dollar Twenty-Five Cents*. Fees to parties, &c.

And in all causes in the Court of Common Pleas, and Court of General Sessions of the Peace, where an issue in law or fact is joined, *One Dollar and Fifty Cents*; and in all other causes in said Court, *One Dollar*. For the declaration in each writ, *Fifty Cents*.

For parties recovering costs, whether in the Supreme Judicial Court, Court of Common Pleas, General Sessions of the Peace, or before a Justice of the Peace, *Thirty-Three Cents* for each day's attendance and travel, ten miles to be accounted as one day; no allowance shall be made for travel to or from the Clerk's office to take out a writ or summons, or carry the same to an officer; and no plaintiff shall be allowed for more than three days' attendance when the defendant is defaulted, unless the defendant appears in Court and makes answer to the plaintiff's suit; in which case, if the defendant is defaulted, after the expiration of three days, no attendance shall be taxed for the plaintiff after the day when the default shall happen.

Provided nevertheless, That when the party recovering costs in any Court, shall live more than forty miles from the place of holding such Court, and such party shall not actually travel to attend the same Court in such cause, there shall not be allowed for travel in taxing the bill of costs, more than forty miles distance, unless such party shall employ some Agent or Attorney, who shall in fact travel more than forty miles for the special purpose of attending such Court in such cause.

In a criminal cause, where one or more defendants are tried by the Jury at the same time in the Supreme Judicial Court, or where the cause is determined by an issue in law, for the Attorney-General, or person attending for the Commonwealth, *Two Dollars and Fifty Cents*: And if there be no trial by the Jury, and the cause be not determined by an issue in law, *One Dollar Twenty-Five Cents*; and in all causes in the Court of General Sessions of the Peace, *One Dollar and Twenty-Five Cents*. Drawing

Drawing an indictment in the Supreme Judicial Court, *One Dollar and Twenty-Five Cents*; and in the Court of General Sessions of the Peace, *Sixty-Five Cents*.

Witnesses in civil or criminal causes, whether in the Supreme Judicial Court, Court of Common Pleas, or General Sessions of the Peace, *Seventy-Five Cents* for each day's attendance, and *Four Cents* for each mile's travel going out and returning home: and before a Justice of the Peace, referees or arbitrators, *Thirty-Three Cents* per day, and for their travel the same as at other Courts; provided such witnesses do personally attend said Courts respectively, and certify, in writing, their time and travel.

SHERIFFS' AND CONSTABLES' FEES.

Fees of Sheriff,
&c.

For the service of an original summons or *Scire Facias*, either by reading the same, or by copy, on one defendant, *Thirty Cents*; if on more than one defendant, then for each other defendant so served, *Thirty Cents*.

For the service of a *capias*, or attachment, on one defendant, with summons, *Thirty Cents*; if served on more than one defendant, then *Thirty Cents* for each defendant so served: And if the officer, by the written direction of the plaintiff or plaintiffs, his or their agent or attorney, shall make a special service of any such writ, either by attaching property, or taking the body therefor, for such special service on each defendant on whom such writ shall be so served, the Sheriff shall be allowed *Fifty Cents*.

And where the officer is, by law, directed to leave a copy in order to complete the service, or shall give a copy of any precept, upon demand thereof, he may charge at the rate of *Twelve Cents* a page.

For a bail-bond, and writing the same, including principal and sureties, to be paid by the person admitted to bail, and taxed for him if he shall prevail, *Twenty Cents*.

Serving a writ of possession exclusive of fees for collecting on the costs, *One Dollar and Ten Cents*; if on more than one piece of land, *Seventy-Five Cents* for each piece of land after the first.

The fees for collecting the costs on a writ of possession, the same as on executions in personal actions.

Serving a warrant, *Thirty Cents*.

Sheriff's aid in criminal cases, to each person for every twelve hours' attendance, including expenses, *One Dollar*, and so in proportion for a greater or less time, and *Four Cents* for each mile's travel going out and returning home.

Summoning witnesses in criminal cases, *Ten Cents* for each witness, and travel as in civil causes, unless in special cases, when the Court may increase the fee to what they may judge reasonable.

For the Sheriff's or Constable's attending the Court, and keeping the prisoner in criminal cases, *Seventy-Five Cents* for every twelve hours; and so in proportion for a greater or less time.

Levy

Levyng executions in personal actions, for the first *One Hundred Dollars, Four Cents*; for every *Dollar* above that, and not exceeding *Two Hundred Dollars, Two Cents* for every *Dollar*; and for all above *Two Hundred Dollars, One Cent* for every *Dollar*; travel for the services of such executions, and also of mean processes or warrants to him directed, *Four Cents* a mile, the travel to be computed from the place of service to the Court or place of return by the usual way; only one travel shall be allowed for one writ, execution or warrant, and if the same be served on more than one person, then the travel shall be computed from that place of service which may be most remote from the place of return, with all further necessary travel in serving such execution, writ or warrant. But if the travel from the place of service to the place of return be more than fifty miles, then only *One Cent* a mile shall be allowed for all travel exceeding that distance.

The travelling fees and fees of service shall be endorsed by the officer serving the same, otherwise they shall not be allowed.

Serving an execution upon a judgment of Court for partition of real estate, or assigning of dower, *One Dollar* a day, and *Four Cents* a mile, out from the place of his abode.

And no Sheriff shall demand or receive from any of his deputies, more than at the rate of *twenty-five per cent.* on the amount of fees for travel and service.

Every trial in a Court of Record, *Fifteen Cents*. Every default, *Eight Cents*.

For returning the certificates of votes of the several towns for a Governor, Lieutenant-Governor, Counsellors and Senators, to the Secretary's office, *Eight Cents* a mile, computing from the place of his abode to the Secretary's office, to be paid out of the treasury of the Commonwealth; and but one travel shall be allowed for the whole.

To the officer attending the Grand-Jury, for each day's attendance, *Seventy-Five Cents*.

The officer attending the Petit-Jury, for every cause to be paid with the Jury-fees, *Twenty-Five Cents*.

For dispersing *Venires* for Jurymen, Treasurer's warrants and proclamations of all kinds, *Eight Cents* each.

To each appraiser of real estate, for extending execution or assigning dower, *One Dollar* a day, and travel at the rate of *Four Cents* a mile going out and returning home.

For every Deputy-Sheriff or Constable who shall attend the Supreme Judicial Court, or Court of General Sessions of the Peace, or Common Pleas, by their order, *Seventy-Five Cents* a day, to be paid out of the county treasury.

And for the encouragement of the Sheriff in each county to take and use all possible care and diligence for the safe keeping of prisoners committed to his custody, he shall have such salary allowed him, as the Justices of the Court of General Sessions

Sessions of the Peace within the same county shall order, not exceeding *Forty Dollars* a year for the county of *Suffolk*, and not exceeding *Twenty-Five Dollars* a year for any of the other counties within the Commonwealth, to be paid out of the treasury of such county.

To Constables for the service of *Venires*, *Twenty-Five Cents*, and *Four Cents* a mile for travel to the Clerk's office, to be paid out of the county treasury.

CRIER'S FEES.

Crier's fees.

Calling a Jury, *Eight Cents*, to be paid with the Jury-fees. A default or nonfuit, a judgment affirmed on complaint, a verdict or demurrer, *Fifteen Cents* each.

Discharging a recognizance by proclamation, *Eight Cents*. Said fees to be paid to the Clerk for the use of the Crier.

GAOLER'S FEES.

Gaoler's fees.

Turning the key for each prisoner committed or discharged, *Twenty Cents*.

Dieting each prisoner, such sum weekly as the Court of Sessions shall, from time to time, judge reasonable.

FOR MARRIAGES.

Fees for marriages.

To the Town-Clerk for publishing the banns of matrimony, recording the same, giving a certificate of the publishment, and recording the marriage upon receiving the Justice's or Minister's certificate thereof, *Fifty Cents*, to be paid by the man published, on receiving a certificate of the publishment.

And the Town-Clerk shall not in future be holden to return certificates of marriages to the Clerks of the Courts of General Sessions of the Peace, nor Clerks last mentioned to record the same.

To every Minister or Justice of the Peace who shall lawfully solemnize a marriage, and certify the same, *One Dollar* and *Twenty-Five Cents*.

To the Town-Clerk for recording births and deaths, *Eight Cents* each. For a certificate of a birth or death, *Ten Cents*.

For a subpoena for one or more witnesses, *Ten Cents*.

FEES IN THE SECRETARY'S OFFICE.

Fees in the Secretary's office.

For a certificate under the seal of the Commonwealth, for the benefit of particular persons, *One Dollar*.

For every order of notice from the General Court upon petition, *Forty Cents*. Every other order, *Forty Cents*.

For all copies for the benefit of particular persons, at the rate of *Twelve Cents* a page.

The Secretary shall keep an account of all fees by him received by virtue of this Act, that the General Court may once a year know the amount thereof, and take the same into consideration at the time of making a grant to him for his services.

And it is to be understood that a page, as mentioned in this Act, should contain two hundred and twenty-four words.

MESSENGER

MESSENGER OF THE GENERAL COURT.

Serving every warrant which the General Court or either House may issue for imprisoning or taking into custody any person, *Forty Cents*. For travel therefor each mile, out and in, *Six Cents*.

Fees for the Messenger of the General Court.

Keeping and providing food for such person, *Forty Cents* a day.

For the discharge or dismissal of such person, *Forty Cents*.

COUNTY-REGISTER'S FEES.

For entering and recording a deed, or other paper of the length of one page or under, *Twelve Cents*.

County-Register's fees.

And for certifying on the original the time when, and the book and page where, the same may be recorded, *Five Cents*.

If the instrument recorded exceed the length of a page, at the rate of *Fourteen Cents* a page.

The fees to be paid at the offering of the instrument.

For all copies, at the rate of *Fourteen Cents* a page.

For entering in the margin a discharge of a mortgage, to be signed by the person discharging the same, *Twelve Cents*.

ALLOWANCE TO JURORS.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the Grand-Jurors attending at the Supreme Judicial Court and Court of General Sessions of the Peace, and the Jurors for trials attending either of said Courts or the Court of Common Pleas, shall each be allowed *Ninety Cents* a day for their attendance, and *Four Cents* a mile for their travel out and home, to be paid out of the county-treasury: And there shall be paid to the Clerk of the Supreme Judicial Court, and to the Clerk of the Court of Common Pleas, and the Clerk of the Court of General Sessions of the Peace respectively, by the plaintiff or appellant, the sum of *Six Dollars* for the trial of each civil action, for the use of the county; and the said Clerks respectively shall forthwith pay over the same to the County-Treasurer.

Jurors' fees.

SECT. 3. *And be it further enacted by the authority aforesaid,* That any Constable in any town or district within this Commonwealth, be and he hereby is authorized and empowered to serve upon any person or persons in the town or district to which he may belong, any writ, summons or execution in any personal action where the damage sued for or recovered shall not exceed *Seventy Dollars*, and return thereof to make to the Court to which the same may be returnable.

Constables authorized.

SECT. 4. *And be it further enacted by the authority aforesaid,* That the Clerks of the several Courts, and other persons keeping public offices, shall constantly have a list of the fees by this Act prescribed, so far as it relates to them respectively, printed or wrote out in legible characters, and hung in some convenient and conspicuous place in their respective offices.

List of fees to hang up in several offices.

And

And the Register of Probate shall put and keep up, in some conspicuous part of the room, a list of fees for Judge and Register, in every other place besides his office as aforesaid, where a Probate Court may be holden during the holding of the said Court in such place.

Fees required,
to be specified.

SECT. 5. *And be it further enacted*, That every officer or other person, upon receiving any such fees as are stated in this Act, shall, if required by the person paying the same, make out a particular account of such fees, in writing, specifying for what they accrued, upon pain of forfeiting to the party paying such fees, treble the sum by him or them so paid, to be recovered with costs by an action of debt in any Court proper to try the same.

Forfeiture for
receiving ex-
cessive fees.

SECT. 6. *And be it further enacted by the authority aforesaid*, That if any person shall wilfully and corruptly demand and receive any greater fee or fees for any of the services aforesaid, than are by this Act allowed and provided, he shall forfeit and pay the sum of *Thirty Dollars* for every offence, to be recovered with costs, either by presentment in the Supreme Judicial Court or Court of General Sessions of the Peace; in which case, the forfeiture shall accrue to the Commonwealth; or by action of debt in the Court of Common Pleas; in which case, the forfeiture shall be for the use of any person who may sue for the same: But no such presentment or action shall be sustained, unless made or commenced within one year next after the time when the offence may be committed.

Former laws
repealed.

SECT. 7. *And be it further enacted*, That all laws heretofore made for regulating and establishing fees for the services herein mentioned, shall, from and after the first day of *April* next, be and they hereby are repealed, except so far as respects any prosecution for an offence that is or may be committed against said Act before the said first day of *April*.

Continuance
of this Act.

SECT. 8. *And be it further enacted*, That this Act shall continue and be in force for the term of two years from and after the first day of *April* next, and until the end of the then next session of the General Court.

[This Act passed *February 13, 1796.*]

An ACT to annex *Allen Dyer*, and others, in the Town of *West-Stockbridge*, in the County of *Berkshire*, to the first Baptist religious Society in said Town.

[This Act passed *February 13, 1796.*]

An ACT for incorporating the Inhabitants of the easterly Part of *Tisbury*, in the County of *Dukes'-County*, into a separate Precinct.

[This Act passed *February 13, 1796.*]

An ACT in Addition to an Act incorporating certain Persons for erecting a Bridge over *Damarascotti-River*, in the County of *Lincoln*, passed *February* the eleventh, One thousand seven hundred and ninety-five.

[This Act passed *February* 13, 1796.]

An ACT relating to the Place of Trial, standing Mute, and Challenges, in certain capital Cases.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the*

same, That where any person hereafter shall be feloniously stricken, poisoned or injured in one county in this Commonwealth, and die of the same stroke, poisoning or injury in another county thereof; that then an indictment thereof, found by the Grand-Jurors of the county where the death shall happen, before the Justices of the Supreme Judicial Court, there held, shall be as good and effectual, in law, as if the stroke had been given, or poisoning or injury done in the same county where the party shall die, or where the said indictment shall be found.

Legality of an indictment for felony, which may happen in two counties.

SECT. 2. *Be it further enacted*, That where any person hereafter, shall be feloniously stricken, poisoned, or injured, on the high seas and without the limits of this Commonwealth, and die of the same stroke, poisoning or injury, in any county thereof, that then an indictment thereof, found by the Grand-Jurors of the county where the death shall happen before the Justices of the Supreme Judicial Court there held, shall be as good and effectual in law as if the stroke had been given, or poisoning or injury done, in the same county where the party shall die.

Felons on the high seas.

SECT. 3. *Be it further enacted*, That if any person shall be indicted of any offence, except treason, against this Commonwealth, for which the punishment is or shall be declared to be death, and shall stand mute or refuse to plead; the Court shall proceed to the trial of the person so standing mute, in the same manner as if he or she had pleaded not guilty, and render judgment accordingly. And no person who shall be indicted of any such offence, shall be allowed to challenge peremptorily above the number of twenty persons of the Jury.

To proceed to trial, in case of standing mute.

[This Act passed *February* 15, 1796.]

An ACT altering the Christian Name of *Samuel Gardner*.

[This Act passed *February* 15, 1796.]

An ACT to change the Name of *Moses Porter Phelps*,
to the Name of *Charles Porter Phelps*.

[This Act passed February 15, 1796.]

An ACT more effectually to preserve the Growth of
Wood in the Plantation called *Marshpee*, in the
County of *Barnstable*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That if any person, after the first day of *May* next, not an inhabitant of the said plantation or concerned in the government thereof, shall, without a written permit, cut down, fall or destroy, any tree standing or growing in the said plantation, or shall consent or direct that the same be cut down, fell or destroyed, or shall carry away, or cause to be carried away, any wood or timber from the said plantation, or any part thereof, the person so offending shall forfeit and pay for every tree so cut, fell or destroyed, and for every parcel of wood or timber so carried away, three times the value thereof; one third part thereof to the use of the said plantation, and the other two thirds to the use of him or them who shall inform and produce proof of the same offence.

Forfeiture.

Appropriation.

SECT. 2. *And be it further enacted,* That if any inhabitant of the said plantation, after the said first day of *May* next, without a written permit, shall cut down, fall or destroy any tree standing or growing on the common and undivided lands of the said plantation, or shall consent or direct that the same be cut down, fell or destroyed, or shall carry away, or cause to be carried away, any wood or timber from the said common lands, or any part thereof, for any purpose whatever, except for his or her fire-wood, or for erecting, making or repairing his or her buildings, fences or tools of his or her occupation; the person so offending shall forfeit and pay, for every tree so cut, fell or destroyed, and for every parcel of wood or timber so carried away, twice the value thereof; one half thereof to the use of the said plantation, and the other half to the use of him or them who shall inform and produce proof of the same offence.

Forfeiture.

How applied.

How recovered.

SECT. 3. *And be it further enacted,* That the said forfeitures, in either case, with full legal costs, shall be recovered in an action of trespass, to be brought by the Treasurer, for the time being, of the said plantation, and if need be, pursued by his successor in that office, in the Court of Common Pleas of the same county; and no inhabitant of the said plantation, officer or person concerned in the government thereof, shall be disqualified to be a witness in such actions on account of his

or

or her interest, share, estate or office, in the said plantation or forfeitures aforesaid.

SECT. 4. *And be it further enacted*, That all permits which, Permits, how given.
after the said first day of *May* next, shall be given to any person, not an inhabitant of the said plantation, to cut and take any wood and timber on the same, or to any inhabitant of the said plantation, to cut and take any wood and timber on said common lands, shall be in writing, signed by the guardians, and approved by two, at least, of the Overseers of the said plantation, and express the quantities of wood or timber to be cut and taken; at what times, and for what purposes; and be shewn to the said Treasurer and recorded by him, before any wood or timber shall be cut or taken, by virtue thereof; otherwise, the said permit shall be void.

[This Act passed *February 22, 1796.*]

An ACT in further Addition to an Act, entitled,
“ An Act for incorporating certain Persons for the Purpose of building a Bridge over *Merrimack-River*, in the County of *Essex*, and for supporting the same,” passed *February*, One thousand seven hundred and ninety-two.

[This Act passed *February 23, 1796.*]

An ACT for repealing Part of an Act passed the twenty-eighth Day of *February*, *Anno Domini* One thousand seven hundred and ninety-five, entitled,
“ An Act to set off a Part of the Town of *Windsor*, in the County of *Berkshire*, and to annex the same to the Town of *Dalton*.”

[This Act passed *February 23, 1796.*]

An ACT for regulating Hackney-Carriages in the Town of *Boston*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That after the last day of *April* next, no person shall be permitted to set up or employ any Hackney-Carriage in the town of *Boston*, for the purpose of conveying persons for hire, until the owner thereof shall obtain a license, in writing, from the major part of the Selectmen of the said town, which license shall continue in force for the term of one year. And the said Selectmen are hereby authorized to grant licenses for such a
number

License to be obtained.

Coaches to be
numbered and
registered.

number of Hackney-Carriages as they may think proper, and so to regulate the standing of such Carriages as to prevent obstructions in passing or repassing the streets in the said town.

SECT. 2. *And be it further enacted*, That the said Selectmen be and they hereby are authorized and directed to cause all such Hackney-Carriages to be numbered, and registered in a book to be kept by the Clerk of said town for that purpose, at the proper expense of the owners of such Carriages. And the number of each Hackney-Carriage shall be fixed upon the same, in such conspicuous place or places as the Selectmen of the said town shall direct.

Penalty.

SECT. 3. *And be it further enacted*, That any person who shall set up or use any Hackney-Carriage for the purpose aforesaid, without having first obtained a license from the said Selectmen, shall forfeit and pay for every time such Carriage shall be used, a sum not exceeding *Two Dollars*; and every such Hackney-Carriage that shall be found plying in any street or highway in the said town, without its number painted on it as aforesaid, shall be considered as an unlicensed Carriage, and the owner of the same shall be subjected to the like forfeiture as in the case of an unlicensed Carriage; and all the forfeitures aforesaid shall be recovered in an action of the case before any Justice of the Peace of the county of *Suffolk*, to the use of the complainant.

Owners liable.

SECT. 4. *And be it further enacted*, That the owner of every Hackney-Carriage shall be liable to make good to the person or persons injured, all damages occasioned by the unskilfulness, carelessness or default of the driver who shall be employed by such owner.

[This Act passed *February 23, 1796.*]

An ACT dividing the Town of *Mount-Desert*, in the County of *Hancock*, into two distinct Towns, and for incorporating the northerly Part of said Town into a separate Town by the Name of *Eden*.

[This Act passed *February 23, 1796.*]

Altered as to
Boston, Feb. 5,
1799.

An ACT directing that Pews and Rights, in Houses of public Worship, shall be considered as Real Estate, and for registering the same.

WHEREAS doubts have arisen, whether pews and rights in houses of public worship are real or personal estate: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,*

Pews, &c. That all pews and rights in houses of public worship, shall be hereafter

hereafter considered and deemed, in law, to be real estate ; but nothing in this Act shall be construed to affect in any manner the titles to any such pews and rights heretofore considered or acquired as of personal estate. Real estate.

SECT. 2. *And be it further enacted,* That all deeds and conveyances of, and executions extended on such pews and rights, may be recorded by the Clerk of the town, district or plantation wherein the same are situated ; and being so recorded, shall have the same effect in law, as if the same had been recorded in the Registry of Deeds ; and such Clerk shall be entitled to the same fees as are or may be allowed to Registers of Deeds for similar services. Deeds thereof to be recorded by Town-Clerk.

[This Act passed February 23, 1796.]

An ACT in Addition to an Act, entitled, “ An Act for regulating and governing the Militia of the Commonwealth of *Massachusetts*, and for repealing all Laws heretofore made for that Purpose, excepting an Act, entitled, “ An Act for establishing Rules and Articles for governing the Troops stationed in Forts and Garrisons within this Commonwealth, and also the Militia when called into actual Service.” Original Act, June 22, 1793.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this Act, no non-commissioned Officer or private Soldier, belonging to any company of Militia in this Commonwealth, shall be exempted from military duty on account of bodily infirmity, unless he shall obtain a certificate from the Surgeon or Surgeon's mate of the regiment to which he belongs, if either of those Officers are authorized in said regiment ; if not, from a reputable Surgeon or Physician living within the limits of the same, that he is unable to do military duty by reason of bodily infirmity, the cause of which is to be described in said certificate ; and the Officer commanding said company may, upon the back of said certificate, discharge the person named therein from doing military duty, in said company, for such term of time as he shall judge reasonable ; which certificate, if approved and countersigned by the Officer commanding the regiment, battalion or Squadron to which said disabled person belongs, shall entitle him to a full exemption from military duty for the term therein specified. A certificate to be obtained.

SECT. 2. *And be it further enacted by the authority aforesaid,* That from and after the passing of this Act, no appeal shall be allowed to either party from the judgment of a Justice of the Peace, No appeal.

Peace, upon any prosecution or complaint brought by any Clerk of a company of infantry, artillery or cavalry within this Commonwealth, which the Militia-Law of this Commonwealth requires to be made and prosecuted by said Clerks.

Officers to be
appointed.

SECT. 3. *And be it further enacted by the authority aforesaid,* That in each Squadron of cavalry within this Commonwealth there shall be one Adjutant and one Quarter-Master, to be appointed and commissioned in manner as such officers are appointed and commissioned in battalions of cavalry.

[This Act passed February 24, 1796.]

Addit. Act,
June 29, 1798.

An ACT for regulating Elections.

Time of meet-
ing.

Duty of Select-
men.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the* same, That the inhabitants of every corporate town having a right to choose a Representative or Representatives in the Legislature of this Commonwealth, shall be convened for that purpose annually in the month of *May*, ten days at least before the last Wednesday of the same month, by the Selectmen of such town or the major part of them: And it shall be the duty of such Selectmen, to summon and notify such meeting in the manner there legally established for calling other town-meetings, and the Selectmen present shall preside in such meeting, and shall regulate the same, and shall openly receive, sort and count the written votes which shall there be given by the inhabitants present, qualified to vote for Representatives; and shall forthwith publicly declare who is or are the person or persons elected; and shall cause the election to be recorded in the town records, together with the whole number of votes given in, and for whom they were given; and shall cause the person or persons so elected, to be notified thereof by a Constable of the town, or any other person specially authorized for that purpose by the Selectmen, within three days next afterwards; and the Selectmen present, or the major part of them, shall make and sign a certificate and return of such election, and shall cause the same to be delivered into the office of the Secretary of the Commonwealth, on or before the last Wednesday of the same month; or such election shall be certified to the House of Representatives to their acceptance; and such certificate may be in the form following, *viz.*

COMMONWEALTH OF MASSACHUSETTS.

County of

Certificate of
return.

PURSUANT to a law of this Commonwealth, the freeholders and other inhabitants of the town of qualified according to the Constitution, having been duly convened in town-meeting, on the day of *May* current,

rent, for the choice of Representatives in the Legislature of this Commonwealth, did then and there elect *A. B.* being an inhabitant of said town, to represent them in the General Court, to be convened and holden on the last Wednesday of the same month. Dated at the day of in the year of our Lord 179 , and in the year of the Independence of the United States.

Selectmen of .

The person chosen as aforesaid was notified thereof, and summoned to attend, by me , Constable of .

And where the Selectmen of any town entitled to choose a Representative as aforesaid, shall neglect to notify a meeting, or to preside or proceed therein as by this Act is required: And where any Town-Clerk shall refuse or neglect his duty therein, to the prejudice of the rights of the electors, each and every Selectman and the Town-Clerk so offending therein, shall respectively forfeit a sum not exceeding *Eighty Dollars*, nor less than *Forty Dollars*, according to the aggravation of the offence, upon conviction thereof.

Penalty.

SECT. 2. *And be it further enacted*, That the Selectmen of any corporate town or district, and the Assessors of any unincorporated plantation in the several counties of this Commonwealth, who shall neglect to call meetings of the inhabitants and others privileged there to vote for the election of Governor, Lieutenant-Governor, Counsellors and Senators, and to give due warning of the time and place of such meetings as required by the Constitution of this Commonwealth, or who shall refuse or neglect to preside in any such meetings, or to receive the votes of the qualified electors present, or who shall neglect to ascertain, declare and certify the number of votes, or who shall wilfully make any false declaration or certificate thereof, to the prejudice of the rights of the electors, shall forfeit a sum not exceeding *Eighty Dollars*, nor less than *Forty Dollars*, to be recovered from each Selectman or Assessor who shall offend in the premises, according to the aggravation of each offence. And every Town-Clerk, and the Clerk or Assessors of any unincorporated plantation, present at any such meeting, who shall neglect or refuse to make a fair record of the votes, or a fair copy of such record, or to attest the same, or who shall refuse or neglect to make due and seasonable return thereof to the Sheriff of the county, or into the Secretary's office, as required by the Constitution of this Commonwealth, shall forfeit a sum not exceeding *Eighty Dollars*, nor less than *Forty Dollars*, for each offence.

SECT. 3. *And be it further enacted*, That the Selectmen and Assessors, authorized and required to preside in any meeting of a town or plantation which shall be convened for the election of Governor, Lieutenant-Governor, Counsellors and Senators, Electors of the President of the United States, Representatives

Powers of Selectmen and Assessors presiding.

in Congress, or Representatives in the Legislature of this Commonwealth, shall have all the powers which are legally vested in the Moderator of town-meetings for the regulation thereof.

And in such meetings, the Selectmen or Assessors presiding shall have power, and it shall be their duty to prevent and refuse the vote of any person not qualified to be an elector; whose qualifications shall be determined according to the Constitution of this Commonwealth, or the Constitution of the United States, as the case may be.

Penalty.

SECT. 4. *And be it further enacted*, That any elector who shall give in more than one vote in any one election, and any person who shall be disorderly in any such meeting, shall forfeit a sum not exceeding *Twenty Dollars*, nor less than *Ten Dollars*, according to the difference and aggravation of each offence.

SECT. 5. *And be it further enacted*, That if any Sheriff, when required by law to make return to the Secretary's office, of the votes of the towns and plantations, or districts in their several precincts, for any election as aforesaid, shall neglect to make such return within the time prescribed, he shall forfeit and pay a sum not exceeding *Five Hundred Dollars*, nor less than *Fifty Dollars*, for each offence.

Recoverable.

SECT. 6. *And be it further enacted*, That all forfeitures incurred by any breach of this Act, may be recovered by indictment, or by action of debt, in the name and to the use of the Commonwealth, to be found or brought in any Court proper to try the same.

Acts repealed.

SECT. 7. *And be it further enacted*, That an Act passed in *April*, in the year of our Lord one thousand seven hundred and eighty-one, entitled, "An Act empowering the Selectmen to call town-meetings for the choice of Representatives;" and an Act, passed *March* eighteenth, one thousand seven hundred and eighty-eight, entitled, "An Act to prevent neglect in Sheriffs, Selectmen and Town-Clerks, respectively, in not calling and presiding at town-meetings, receiving and returning the votes for Governor, Lieutenant-Governor, Senators and Counsellors, as is pointed out by the Constitution of this Commonwealth," be and the same are hereby repealed: *Provided* however, that the said Acts shall continue and be in force for the recovery of any penalties or forfeitures already incurred by any person for the breach thereof.

Proviso.

[This Act passed *February* 24, 1796.]

June 3, 1795.

An ACT for extending the Time for receiving, on Loan, the Debt of this Commonwealth.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the term for receiving, on loan, the Debt of this Commonwealth,

wealth, which hath not been subscribed, in pursuance of and conformable to an Act, entitled, "An Act to provide for the Debt of this Commonwealth;" and one other Act, entitled, "An Act for appropriating *Twelve Thousand Pounds*, part of Tax No. 11, to the payment of interest on the funded and consolidated Debt of this Commonwealth, and for other purposes," be and hereby is extended to the first day of *February* next: And the Treasurer of this Commonwealth is hereby authorized and directed to receive and admit subscriptions to the said loan, of all such species of the said Debt as are in the said two Acts described, until the said first day of *February*, in the same manner, and on the same terms, as are in the said two Acts provided and established.

Term extend-
ed.
Treasurer
directed.

[This Act passed *February* 24, 1796.]

An ACT to set off *Thomas Gardner*, of *Cambridge*, in the County of *Middlesex*, from the south Parish of *Cambridge*, and to annex him and his Estate to the first Parish in said Town.

[This Act passed *February* 25, 1796.]

An ACT to incorporate *Henry Prentiss*, and others, herein after named, with their Associates, by the Name of *The Proprietors of the Calico Printing Manufacture*.

[This Act passed *February* 25, 1796.]

An ACT to incorporate a Number of the Inhabitants of the Towns of *Berwick* and *York*, in the County of *York*, into a distinct religious Society.

[This Act passed *February* 25, 1796.]

An ACT in Addition to an Act, entitled, "An Act for incorporating certain Persons for the Purpose of building a Bridge over *Merrimack-River* at *Pattucket-Falls*, between the Towns of *Chelmsford* and *Dracutt*, in the County of *Middlesex*, and for supporting the same."

[This Act passed *February* 25, 1796.]

An ACT directing the Proceedings in Actions of Debt on Judgments.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the*

Action of debt upon judgment rendered unsatisfied.

same, That upon the judgment for debt, damages or costs, which has been, or which shall be rendered and recorded by any Court of Record, or any Justice of the Peace, of this Commonwealth, and remaining in force and unsatisfied, an action of debt may be brought in the same Court, or before the same Justice where such record remains, or in any Court of Record, or before any Justice of the Peace, holding pleas for the county in which either of the parties to such judgment, their executors or administrators shall dwell and reside at the time of bringing such action, and proper to try the same. And such judgment may be certified by a true copy of the record thereof, attested by the Clerk, for the time being, of the Court, or by the Justice of the Peace, as the case may be, where, or with whom such record remains.

What Court the action may be brought into.

SECT. 2. *And be it further enacted,* That upon the judgment for debt, damages, or costs, which has been, or which shall be rendered and recorded by a Court of Record in any other of the United States, or by a Court of Record of the United States, and remaining in force and unsatisfied, an action of debt may be brought in any Court of Record of this Commonwealth holden for the county in which either of the parties to such judgment, their executors or administrators shall dwell and reside, or in which any valuable goods, credits, or estate of any debtor, in such judgment, shall be found at the time of bringing such action: *Provided,* That such judgment shall be certified in the form, and to the effect, which is, or shall be prescribed by any general Law of the Congress of the United States.

Interest to be allowed.

SECT. 3. *And be it further enacted,* That in the action of debt, which shall be duly maintained upon any judgment as aforesaid, lawful interest shall be allowed, as well upon the costs as upon the debt or damages, or the balance thereof due and recoverable; and judgment, in such action, shall be rendered accordingly, any law or custom to the contrary hereof notwithstanding.

When the Act takes effect.

SECT. 4. *And be it further enacted,* That this Act shall take effect and be in force on and after the first day of *July* next, and that all Acts passed before the first day of *November*, one thousand seven hundred and eighty, the subject-matter whereof is included in this Act, as also a clause of an Act authorizing an action of debt on the judgment of a Justice of the Peace in another State, be and the same shall be repealed on and after the said first day of *July* next, as to all actions to be brought after that day.

[This Act passed February 26, 1796.]

An ACT for appointing Commissioners of Sewers,
and making Provision for the better Improvement
of low Lands in certain Cases.

WHEREAS many tracts of meadow, low or swamp lands, belonging to several proprietors in several towns in this Commonwealth, are often damaged or spoiled by being flowed, and stagnant waters remaining thereon; to remove which, and the better to improve such lands, it is found necessary to remove obstructions in rivers, brooks and streams, leading therefrom, as also, at certain seasons of the year, to erect dams to flow the same : Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That when the major part, in interest, of the proprietors of any such lands shall find it necessary to flow or drain the same, they may apply to the Court of Common Pleas of the county wherein such lands, dams and obstructions may be; and when such lands, rivers, brooks and streams shall be situated in different counties, then to the Supreme Judicial Court to be holden in either; and on such application the said Court shall notify the proprietors concerned in the said lands, to appear at the same Court, at the same or the next term thereof, in such manner and form as the said Court shall judge proper; and if, on hearing the said proprietors, it shall be deemed for their general benefit, by the said Court, to have such dams erected, or such obstructions removed; the said Court shall appoint and commission not less than three, nor more than seven discreet freeholders, Commissioners, to view the premises, to notify and hear all concerned therein; which Commissioners shall be sworn to a faithful discharge of their duties, and shall have power, from time to time, to meet and determine when, where, and in what manner such dams shall be erected, or such obstructions shall be removed; and to employ workmen to effect the same, for such reasonable wages as the said Commissioners shall agree to give. Unless the said proprietors themselves shall do the same in such time and manner as the said Commissioners shall direct. Courts proper for proprietors to make application.

SECT. 2. *And be it further enacted,* That the said Commissioners, from time to time, shall have power to assess the several proprietors of such lands, their respective proportions of the charges of erecting and continuing such dams, and of removing such obstructions, having regard to the quality, situation and quantity of each proprietor's part of such lands, and the benefit he or she will receive; and also to appoint and swear a Collector or Collectors, for collecting the said taxes of the said Proprietors, and to pay the same to such person as the said Commissioners shall appoint to receive them. And the said Collector or Collectors shall receive, from the said Commissioners, Commissioners' powers.

----- to assess proprietors, &c.

missioners, a list or lists of the said assessments, with their warrant or warrants for collecting the same; and thereon such Collector or Collectors shall have the same powers to collect the said taxes, and to distrain therefor, as Collectors have by law, in the collection of town taxes.

Commissioners
to call Collect-
ors to an ac-
count.

And the said Commissioners shall have power to call before them the said Collector or Collectors, to render an account of the monies he or they shall collect as aforesaid; and on his or their neglect to render such account for the space of twenty days, he or they shall be liable to pay the whole amount of his or their list, to be recovered by the said Commissioners in an action of debt, in any Court proper to try the same.

Compensations
for services.

SECT. 3. *And be it further enacted,* That the said Commissioners shall be allowed out of the said assessments, for their services, so much as the Court appointing them shall think reasonable; to which Court the said Commissioners shall be liable to render an account of all monies so assessed and collected, whenever thereto required; and the said Collector or Collectors shall have such a commission on the monies he or they shall so collect and pay over, as the said Commissioners shall allow.

What consti-
tutes a propri-
etor.

SECT. 4. *And be it further enacted,* That every tenant for years, in dower, by the courtesy, for life, mortgager or mortgagee, in possession, shall be deemed a proprietor to all the purposes of this Act.

Commission-
ers' powers
extended.

SECT. 5. *And be it further enacted,* That when the said Commissioners, in order to form a just view of such lands, shall think it expedient to open the flood-gates of any mill, or to make other needful passages through or round the dam thereof, or to erect any dam on the land of any person, the more expeditiously to remove such obstructions, they shall have power to do the same, and for such time as they shall find necessary, to reduce or raise the said waters, for the purpose of forming such view or for removing such obstructions: And if the owner or occupant of any such mill, mill-dam or land shall thereby sustain damages, he shall be reimbursed therefor by the said proprietors; and seasonably to make such reimbursement, the said Commissioners shall assess the said proprietors their respective proportions thereof, in manner aforesaid, to be collected, paid and accounted for as aforesaid.

Proprietors, to
pay damages.

Persons ag-
grieved, may
apply.

SECT. 6. *And be it further enacted,* That if any such proprietor or other person shall find him or herself aggrieved by the doings of the said Commissioners, or any other persons, in pursuance of this Act, he or she shall have a right to appeal to the Court which appointed the said Commissioners; and where any issue of fact shall be joined in either of the said Courts, it shall be tried by a Jury; and if any party shall be dissatisfied with the decision made by any such Court of Common Pleas, of any question of law, the said party shall so state the

the facts on the record thereof, by a special plea, or otherwise, as to bring the same question of law into view, and shall thereon be entitled to a writ of error out of the Supreme Judicial Court.

SECT. 7. *And be it further enacted*, That this Act shall take effect and be in force from and after the first day of *July* next ; and an Act passed in the first year of the reign of *Queen Ann*, Acts repealed. entitled, " An Act for the appointing Commissioners of Sewers, and also an Act passed *Anno Domini* one thousand seven hundred and forty-four, in addition thereto," shall, on and after that day, be repealed ; except so far as they shall respect any commission of Sewers issued, or which shall be issued before that time,

[This Act passed *February* 26, 1796.]

An ACT for incorporating certain Persons for building a Bridge over *Androskoggin-River*, between *Brunswick* and *Topsham*, and for supporting the same.

[This Act passed *February* 26, 1796.]

An ACT in Addition to an Act, entitled, " An Act for incorporating certain Persons for the Purpose of building a Bridge over *Merrimack-River*, between the Towns of *Haverhill* and *Newbury*, in the County of *Essex*, and for supporting the same."

[This Act passed *February* 26, 1796.]

An ACT for incorporating certain Persons for the Purpose of opening a Canal from the Harbour of *Boston* to *Roxbury*.

[This Act passed *February* 26, 1796.]

An ACT to incorporate *John Thorlo*, and others, into a Society by the Name of *The Portland Marine Society*.

[This Act passed *February* 26, 1796.]

An ACT to make further Allowance to the Judge of Probate for the County of *Suffolk*, for his Services.

[This Act passed *February* 26, 1796.]

An ACT to enable Sheriffs, Deputy-Sheriffs and Constables, to require Aid in the Execution of their respective Offices, in criminal Cases.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the*

Civil officers
may be assist-
ed in their
duty.

same, That any Sheriff, Deputy-Sheriff or Constable, being in the execution of his office, for the preservation of the peace, or for the apprehending or securing any person or persons for breach of the same, or for any other criminal cause, shall have lawful authority to require suitable aid and assistance therein. And if any person, being required by any Sheriff, Deputy-Sheriff or Constable in the name of the Commonwealth of *Massachusetts*, to aid and assist him in the execution of his office, as aforesaid, shall neglect or refuse so to do, and be thereof convicted before any Court proper to try the same, such offender shall be fined, to the use of the county where the offence shall be committed, not less than *Three Dollars*, nor more than *Fifty Dollars*, according to the circumstances of the case; and if any such offender shall be unable, or shall not forthwith pay the said fine, such Court may punish him by imprisonment, not exceeding thirty days.

Penalty.

SECT. 2. *Be it further enacted,* That if any person, not being really and *bona fide* a Sheriff, Deputy-Sheriff or Constable, shall pretend himself to be either of the said officers, and take upon himself to act as such, or to require any person or persons to aid or assist him in any matter appertaining to the duty of Sheriff, Deputy-Sheriff or Constable, he shall be fined not exceeding *Four Hundred Dollars*, according to the circumstances of his offence; one moiety thereof to the use of the Commonwealth, and the other moiety to him or them who shall prosecute therefor.

SECT. 3. *Be it further enacted,* That any Justice of the Peace, for the preservation thereof, or upon view of the breach thereof, or upon view of any other transgression of law proper to his cognizance, done or committed by any person or persons whatever, shall have authority (in the absence of the Sheriff, Deputy-Sheriff or Constable) to require any person or persons to apprehend and bring before him such offender or offenders: And every person so required, who shall refuse or neglect to obey the said Justice, shall be punished in the same manner as for refusing or neglecting to assist any Sheriff, Deputy-Sheriff or Constable in the execution of his office as aforesaid. And no person who shall refuse or neglect to obey such Justice, to whom he shall be known, or declare himself to be a Justice of the Peace, shall be admitted to plead excuse on any pretence of ignorance of his office.

Whereas doubts have arisen whether a Constable, unless empowered by statute, can lawfully convey any person by him apprehended,

Justice author-
ized, in case,
and to be
obeyed.

apprehended, or things taken by writ or warrant to him directed, any farther than through his town or district :

SECT. 4. *Be it further enacted*, That any Constable of any town or district within this Commonwealth shall have au- Powers of Constable. thority, in the execution of the warrant or writ to him directed by lawful authority, to convey as well any prisoner or prisoners, as things that they may have taken into their custody, either to the Justice issuing such warrant, or writ, or to the common gaol or house of correction of the county where such Constable is an inhabitant, according as in the writ or warrant may be directed.

SECT. 5. *Be it further enacted*, That all laws enacted in this Commonwealth before the first day of *November, Anno Domini* seventeen hundred and eighty, the subject-matter whereof is included in this Act, be and the same are hereby repealed.

[This Act passed *February 26, 1796.*]

An ACT for recording Births and Deaths by the Clerks of Towns and Districts,

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That it shall be the duty of every Town-Clerk and every District-Clerk, within this Commonwealth, to record all births and deaths which shall happen within his town or district and come to his knowledge, together with the time of such birth or death, and the names of his or her parents, if known; for the fees allowed, by law, to be paid by his town or district. Clerks' duty.

SECT. 2. *And be it further enacted*, That it shall be the duty of parents to give notice to the Clerk of the town or district in which they dwell, of all the births and deaths of their children; and it shall be the duty of every householder to give notice of every birth and death which may happen in his house; and of the eldest person next of kin to give such notice of the death of his kindred; and it shall be the duty of the master or keeper of any alms-house, work-house or prison, and of the master or commander of any ship or vessel, to give notice of every birth and death which may happen in the house or vessel under his care or charge, to the Clerk of the town or district in which such event shall happen: And in case any person, whose duty it shall be, by virtue of this Act, to give notice as aforesaid, shall neglect to perform the same for the space of six months after the birth or death shall happen, the person so neglecting shall pay a fine of *One Dollar*, to be recovered, with costs of suit, on complaint before any Justice of the Peace for the same county, to the use of any inhabitant of the same town who shall prosecute for the same; from which judgment there shall be no appeal. Parents' duty, &c. Fine, in case of neglect.

SECT.

SECT. 3. *And be it further enacted*, That this Act shall be in force on and after the first day of *September* next; and that Acts repealed. an Act passed *Anno Domini* one thousand six hundred and ninety-two, for registering births and deaths, shall be and hereby is repealed on and after that day.

[This Act passed *February* 26, 1796.]

An ACT to incorporate *Lemuel Stewart*, and others, for the Purpose of conveying Water, by Pipes, into the Town-Street, near the College in *Williamstown*, by the Name of *The Proprietors of the Water-Works in the Town-Street in Williamstown*.

[This Act passed *February* 26, 1796.]

Extended to
Wellsfleet,
June 25, 1798.
Further ex-
tended, June
21, 1799.

An ACT to prevent the Destruction of Oysters and other shell Fish in this Commonwealth.

WHEREAS Oysters and other shell fish have long been considered the property of the towns wherein their beds are situated respectively; and whereas, for the due regulation thereof, and preservation of the same, and especially to prevent the destruction thereof by strangers, and by those who encroach too far on such common property, some special provision is found necessary: Therefore,

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the first day of *May* next, it shall not be lawful for any person to take any Oysters from their beds, destroy them, or wilfully obstruct their growth therein, in any part of this Commonwealth, except as is herein after excepted; and every person who shall so take, destroy, or obstruct the same, shall forfeit and pay for every bushel of Oysters, including the shells so taken or destroyed, the sum of *Two Dollars*: *Provided however*, and it shall, at all times, be lawful for the major part of the Selectmen, for the time being, of any town wherein Oyster-beds shall be, to give permits, in writing, to any person to take Oysters from their beds, at such times, in such quantities, and for such uses, as they shall think reasonable and express in their permit: *Provided further*, and it shall also be lawful for every inhabitant of any such town without such permit, to take Oysters from their beds therein for the use of his or her family, from the first day of *September* to the first day of *June*, annually.

SECT. 2. *Be it further enacted*, That if any person, from and after the first day of *May* next, shall take any other shell fish from their beds, destroy them, or wilfully obstruct their growth

Forfeiture.

Provisos.

growth therein, in any of the towns of *Malden, Medford* or *Charlestown*, in the county of *Middlesex*; *Rochester* or *Wareham*, in the county of *Plymouth*; *Sandwich, Barnstable, Yarmouth, Eastham* or *Dennis*, in the county of *Barnstable*; *Nantucket*, in the county of *Nantucket*; *Edgartown* or *Tisbury*, in the county of *Dukes'-County*; *Dartmouth, Westport, Freetown, Swanzev, New-Bedford* or *Somerset*, in the county of *Bristol*; or *Wells* or *Arundell*, in the county of *York*; or *Portland, Falmouth, North-Yarmouth, Harpswell, Freeport, Scarborough*, or *Cape-Elizabeth*, in the county of *Cumberland*; or *Hingham*, in the county of *Suffolk*; or *Brookline* or *Weymouth*, in the county of *Norfolk*, except as is herein after excepted, the person so offending shall forfeit and pay for every bushel of such other shell fish, including the shells so taken or destroyed, the sum of *One Dollar*. *Provided nevertheless*, That the major part of the Selectmen, for the time being, of each of the said towns, shall at all times have power to give permits, in writing, to any person to take such other shell fish from their beds in their said towns, at such times, in such quantities, and for such uses, as they shall deem reasonable, and express in their permit. *Provided also*, That every inhabitant of each of the said towns without such permit shall have a right to take such other shell fish from their beds therein for the use of his or her family.

Towns in
which this
Act operates

Forfeiture.
Proviso.

SECT. 3. *And be it further enacted*, That if any vessel, boat or craft shall be found within the limits of any town, and not owned therein, with any Oysters on board, taken in such town without such permit, or within the limits of any one of the said specified towns, and not owned therein, with other shell fish on board, taken in such town without such permit; it shall be lawful for any inhabitant or inhabitants of any town wherein such vessel, boat or craft shall so be found trespassing, to seize and detain the same, not exceeding forty-eight hours, in order that the same, if need be, may be attached or arrested by due process of law, in that time, to answer the said fines and forfeitures, with costs of suit. *Provided however*, That as soon as the owner or master of any such vessel, boat or craft, shall pay said fines and forfeitures, and before sued, to the Treasurer of the town, to the use thereof, wherein the same shall be incurred, such vessel, boat or craft shall be discharged, with the effects therein.

Persons au-
thorized to
seize vessels
trespassing.

SECT. 4. *And be it further enacted*, That all fines and forfeitures, which shall be incurred by virtue of this Act, and shall be sued for, shall be, one half thereof to the use of the town wherein the offence shall be committed, and the other half to him or them who shall sue for the same: And the same shall be recovered, with legal costs of suit, in an action of debt, before any Justice of the Peace (not interested) in the county wherein the offence shall be committed, in case the forfeitures so recovered in such action shall not exceed *Four Pounds*; and

Appropriation
of fines, &c.

if above that sum, then in the Court of Common Pleas of the same county.

Acts repealed.

SECT. 5. *And be it further enacted*, That this Act shall take effect and be in force on and after the first day of *May* next ; and that an Act passed *Anno Domini* one thousand seven hundred and sixty-five, entitled, “ An Act to prevent the destruction of Oysters in the several bays and rivers herein after mentioned within this province,” and also the several Acts heretofore made relative to Oysters and other shell fish in the several specified towns aforesaid, shall, on and after that day, be repealed, so far as they shall respect all offences which shall be committed, actions commenced therefor, and permits given after that day: *Provided*, That nothing in this Act shall extend to deprive any native Indians of the privilege of digging shell-fish for their own consumption, or to prevent any fisherman from taking any quantity of shell-fish which he may want for bait, so that it do not exceed seven bushels, including their shells, at any one time.

[This Act passed *February 26, 1796.*]

An ACT in Addition to an Act, entitled, “ An Act to establish a College in the County of *Berkshire*, within this Commonwealth, by the Name of *Williams' College.*”

Preamble.

WHEREAS doubts have arisen, whether the rights and credits which, previous to passing the Act aforesaid, were vested in and belonging to the Trustees of the donation of *Ephraim Williams*, Esquire, for maintaining a Free-School in *Williamstown*, are by virtue of the same Act transferred to and vested in the Corporation of *The President and Trustees of Williams' College* ;

Rights and credits transferred.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said rights and credits be and hereby are transferred to and vested in the said Corporation of *The President and Trustees of Williams' College*, who are hereby authorized to commence and prosecute to final judgment and execution, any suit or action, in law or equity, which the said Trustees of the donation of *Ephraim Williams*, Esquire, for maintaining a Free-School in *Williamstown*, might heretofore have commenced or prosecuted.

[This Act passed *February 26, 1796.*]

An ACT for setting off *Noah Wiswall*, and his Estate, from the Town of *Fitchburg* to the Town of *Westminster*.

[This Act passed *February 27, 1796.*]

An ACT for the Support and Regulation of Mills.

Addit. Acts,
Feb. 28, 1798.
March 4, 1800.

WHEREAS the erection and support of mills to accommodate the inhabitants of the several parts of the State, ought not to be discouraged by many doubts and disputes; and some special provisions are found necessary relative to flowing adjacent lands and mills held by several proprietors: Therefore,

Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That where any person hath already erected or shall erect any water-mill on his own land, or on the land of any other person, by his consent legally obtained, and to the working of such mill it shall be found necessary to raise a suitable head of water; and in so doing any lands shall be flowed not belonging to the owner of such mill, it shall be lawful for the owner or occupant of such mill to continue the same head of water to his best advantage, in the manner, and on the terms herein after mentioned.

Owners of
mills may raise
and continue
sufficient wa-
ter.

SECT. 2. *And be it further enacted,* That if any person shall sustain damages in his lands by their being flowed as aforesaid, he may complain to the Court of Common Pleas of the county wherein the lands so flowed shall be situated, and the said Court shall issue a warrant to the Sheriff of the same county; and if the Sheriff shall be interested, then to some Coroner of the same county not interested, such Sheriff or Coroner to be named by the Court, directing him to summon and empanel a Jury of twelve good and lawful men; which Jury shall be sworn to make a true and faithful appraisement of the yearly damages done to the complainant by so flowing his lands, and how far the same may be necessary. And said Jury shall try the cause; and their verdict, being returned by the officer to the same Court, and there allowed and recorded, shall be a sufficient bar to any action to be brought for any such damages. And it shall be in the power of said Court to assess such sum to the officer, for his services, as they may judge reasonable.

----- to com-
pensate for
damages by
verdict of
Jury.

SECT. 3. *And be it further enacted,* That such verdict and judgment thereon, so recorded, shall be the measure of the yearly damages, until the owner or occupant of such mill, or the owner or occupant of such lands so flowed, shall, on a new complaint to the said Court of the county, and by the form of process before prescribed, obtain an increase or decrease of the said damages. And the party entitled to any such yearly damages, whether the party to the record, his heirs, executors, administrators, or assigns, may have an action of debt grounded on such record to recover the same. And the party prevailing in any complaint or action aforesaid, shall be allowed his full legal costs, though the damages so assessed or debt recovered shall not amount to the sum of *Four Pounds*.

Such verdict
to be the full
yearly dam-
ages.

SECT.

Owners liable,
in law, &c.

SECT. 4. *And be it further enacted,* That if any person, whose lands shall be flowed as aforesaid, shall, on his filing his complaint for ascertaining or increasing his damages, or on bringing his action of debt as aforesaid, move the said Court to direct the owner or occupant of such mill to give security for the payment of the said damages from time to time, as they shall become due; and in that case, the said owner or occupant of such mill shall neglect or refuse to give such reasonable security as the said Court shall order, he shall have no benefit of this Act, but shall be liable to be sued for so flowing the lands of the complainant or plaintiff, in the same manner as though this Act had not been passed. And when the said Jury shall so inquire of the said yearly damages, they shall also inquire and make return, in their said verdict, what portion of the year the said lands ought not to be so flowed; and during such portion of the year as the said Jury shall certify in their verdict, that the public convenience and the circumstances of the case do not justify such flowing, and the said verdict being accepted by the Court, this Act shall in no manner authorize the said owner or occupant of such mill so to flow the said lands of others.

Proprietors
authorized to
call a meeting.

SECT. 5. *And be it further enacted,* That when any mill, worked by wind or water, the under works or appurtenances thereof shall want repairs or to be rebuilt, in whole or in part, in the opinion of the major part, in interest, of the proprietors; it shall be lawful for any one or more of the proprietors thereof to call a meeting of the whole, at said mill, to consult and agree about repairing or rebuilding the same, in whole or in part; which notice to the said proprietors may be in substance as follows, to wit.

To A. B. of in the county of [addition]
GREETING.

Form. YOU are hereby notified, that our mill in wants repairs, or to be rebuilt, in order that the same may be of use to the concerned; and a meeting of the proprietors thereof will be held at the same mill, on the day of at o'clock in the noon, when and where your attendance is requested. Dated at on .

Which notification, signed by one or more of the proprietors, or a true copy thereof given to any other proprietor, or left at his place of last and usual abode, not more than thirty, nor less than ten days before the day of the said meeting, shall be deemed sufficient notice, and may be proved by the testimony of any disinterested witness who gave or left the same, or saw it done.

SECT. 6. *And be it further enacted,* That if any proprietor so notified shall neglect to attend the said meeting; or, being met,

met, shall neglect or refuse to agree with the major part in interest, of the proprietors of such mill, for repairing or rebuilding the same, in whole or part, so as to make the same serviceable, to pay his part of the charges of doing the same; the rest of the proprietors, being the major part in interest, may cause the same to be done, and shall be reimbursed and paid such sum or sums as they, or any of them, shall advance thereon, beyond their respective proportions, with interest for the same in the mean time, out of the said mill or the profits thereof; and to recover the same, it shall be lawful for those who shall so advance beyond their respective proportions, jointly or severally, to have their actions against each one who shall be deficient: *Provided*, That nothing in this Act contained shall be construed to make void any particular contract made or to be made for the repairing or rebuilding any mill or mills.

Proprietors neglecting or refusing to meet or agree, subject to be sued for their proportions.

SECT. 7. *And be it further enacted*, That where any part or parts of such mill shall, at the time of such notice and meeting, be held and possessed by any minors, *feme covert*, tenant for years, in dower, by courtesy, for life in tail, mortgager or mortgagee; then the guardians of such minors legally appointed, husband of such *feme covert* in her right, such tenant, mortgager or mortgagee in possession, shall be deemed, for all the purposes of this Act in so repairing or rebuilding such mill, the proprietor or proprietors thereof, and such guardians, husbands and persons having in possession such limited estates therein, shall be notified, vote and contribute accordingly; and all advances so made by them respectively, for and on account of such minors, heirs of such married woman, those in remainder or reversion, or the other party in the mortgage, if not adjusted and paid by agreement, shall be recoverable in a special action on the case, with interest.

Proprietors of different interests, to be notified, &c.

SECT. 8. *And be it further enacted*, That every miller shall be provided with scales and weights to weigh corn, grain and meal to and from the mill, if required; and if he shall neglect to keep such scales and weights, or refuse so to weigh corn, grain, and meal, when required, he shall be fined for each neglect or refusal, not exceeding *Five Dollars*, to be recovered, with costs, by action of debt, by the party suing, to his use, before any Justice of the Peace of the county wherein the offence shall be committed.

Scales and weights established.

SECT. 9. *And be it further enacted*, That the toll for grinding all sorts of grain shall not exceed one sixteenth part thereof.

Toll.

SECT. 10. *And be it further enacted*, That this Act shall take effect and be in force, on and after the first day of *July* next; and that an Act passed *Anno Domini* one thousand seven hundred and six, for the upholding and regulating mills, and an Act made in addition thereto, *Anno Domini* one thousand seven hundred and thirteen, and a third Act made in further addition thereto, *Anno Domini* one thousand seven hundred and

Act to take effect.

Acts repealed.

twenty-eight, shall, on and after that day, be repealed, except so far as they shall respect any complaints, actions or meetings then pending by force thereof.

[This Act passed February 27, 1796.]

An ACT relating to Actions of Ejectment and Disclaimer, and for preventing Strip and Waste pending such Actions.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the* same, That when any person shall be arrested in trespass and ejectment or other real action, the defendant's own bond, and no other, shall be required for his appearance to answer the same.

Bond required,
in case of ar-
rest.

Responsibility
of persons sued
in real action.

SECT. 2. *Be it enacted by the authority aforesaid,* That when any person or persons shall be sued in ejectment, or other real action, for any lands, tenements or hereditaments, they shall be holden to answer for so much or such part of the premises demanded as they then hold, or are in possession of, which they shall distinguish and set forth by their plea, and disclaim in the rest; and if any of them disclaims in the whole, and the plaintiff cannot prove his the defendant's possession of the premises, or any part thereof, he shall recover his costs.

Forfeiture.

SECT. 3. *Be it enacted by the authority aforesaid,* That if any person or persons shall commence and prosecute any action of ejectment, or other real action, for recovering possession of any lands and real estate, unjustly withheld from him or them by any person, and such person in possession, or any other persons pending such action, and after the service of the writ therein, shall make strip or waste by cutting, felling or destroying the wood, timber, trees or poles standing or growing on such land sued for; he or they making such strip or waste shall, for every such offence, forfeit and pay to the party aggrieved, treble damages, to be recovered by action in any Court proper to try the same, after the plaintiff or defendant has recovered his title and possession of such estate sued for.

Acts repealed.

SECT. 4. *Be it enacted by the authority aforesaid,* That two Acts, one passed *Anno Domini* one thousand seven hundred and twenty-seven, for the more safe and easy prosecuting writs of trespass and ejectment, and the other passed *Anno Domini* one thousand seven hundred and forty, to prevent strip and waste on lands while suits are depending in the law for the same, be and the same are hereby repealed, so far as they respect actions hereafter to be commenced.

[This Act passed February 27, 1796.]

An ACT to alter the Appropriation of the Sum of *Two Hundred Pounds*, payable annually by the Proprietors of *West-Boston Bridge*, to the University of Harvard College.

Addit. Act,
Feb. 6, 1800.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of *April* next, the said sum of *Two Hundred Pounds*, to be paid annually by the said Proprietors of *West-Boston Bridge* to the Treasurer of Harvard-College or University, shall be appropriated and disposed of by the President and Fellows of Harvard-College, to establish, in the said University, two Tutors for life or during good behaviour; in such form, and with such duties and stipends, as the said President and Fellows, with the approbation of the Overseers of the said College, shall order and appoint; any thing in the Act for incorporating said Proprietors, or in the Act additional thereto, to the contrary notwithstanding.

Appropriations altered.

[This Act passed *February 27, 1796.*]

An ACT in further Addition to an Act, entitled, “An Act for the regulating the Manufacture of Nails within this Commonwealth,” made and passed the tenth day of *March*, *Anno Domini* One thousand seven hundred and ninety-one.

[Passed *February 27, 1796.* Repealed *March 4, 1800.*]

An ACT in Addition to an Act, entitled, “An Act for rendering Processes in Law less expensive.”

[This Act passed *February 27, 1796.*]

An ACT in Addition to an Act, entitled, “An Act for incorporating certain Persons for the Purpose of building a Bridge over *Merrimack-River*, in the County of *Essex*, at *Bodwell's-Falls*, between *Andover* and *Medhuen*, and for supporting the same,” passed in the Year of our LORD One thousand seven hundred and ninety-three.

[This Act passed *February 27, 1796.*]

An ACT to repeal all the existing Excise-Acts, and to provide for the Expenses of Justice in the several Counties.

Preamble.

WHEREAS several Acts heretofore made, still require the following excise duties to be collected and paid into the treasury of the Commonwealth, or to the Secretary thereof, *to wit* : For every license granted to an innholder, *Four Dollars* ; for every deed recorded, *One Shilling* ; for the commission of a Sheriff, *Forty Dollars* in certain cases, and *Twenty Dollars* in others ; on the appointment of a Clerk of the Supreme Judicial Court, *Forty Dollars* ; on the appointment of a Clerk of the Court of Common Pleas, *Forty Dollars* in certain counties, and *Twenty Dollars* in others ; on the appointment of every Register of Deeds, *Twenty Shillings* ; on the commission of each Judge of the Court of Common Pleas, Judge and Register of Probate, *Twenty Shillings* each ; and of a Justice of the Peace, *Nine Shillings* ; and for the admission of every Attorney to practise in the Court of Common Pleas, *Twenty Dollars*, and in the Supreme Judicial Court, *Thirty Dollars* ; and for the admission of every person in the degree of Barrister at Law, *Forty Dollars* ; and it being no longer necessary to continue the same for the purposes aforesaid :

Former fees.

--- repealed.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said several Acts be, and the same, so far as they respect the aforesaid duties, are hereby repealed ; except however, that the same shall remain in force, so far as shall be necessary to enforce and complete the collection of all the said duties which have already become due and payable, by virtue of the said Acts.*

License granted.

Clerks of Sessions to give bond.

SECT. 2. *And be it further enacted, That every person, who shall hereafter be licensed to be an innholder, shall, on such license being granted, pay to the Clerk of the Court of General Sessions of the Peace, the sum of Four Dollars ; and each Clerk aforesaid shall, before the first day of May next, give bond, with sufficient sureties, in the penal sum of One Thousand Dollars, to the Treasurer of the county and his successor in that office, to account for, on oath, and pay to him, from time to time, the sum of Four Dollars for each innholder in the county who shall be so licensed, within one month after he, the said Clerk, shall receive the same. And if any Clerk shall neglect to give such bond, he shall forfeit and pay a sum not exceeding Five Hundred Dollars, to be recovered by the County-Treasurer, to the use of the county, in an action of debt, in any Court proper to try the same. And such Clerk shall be allowed, for so receiving and paying over to the County-Treasurer, a commission of one per cent. thereon : And all such licenses shall be granted on condition, that the innholder*

Allowance.

holder so pay said *Four Dollars* before he or she shall recognize, as by law required.

SECT. 3. *And be it further enacted*, That from and after the passing of this Act, every Register of Deeds in this Commonwealth, for each deed or instrument made for the conveyance of land, or any title therein, brought to his office to be recorded, shall, before he record the same, demand and receive, of the person bringing the same, *Seventeen Cents*; and on or before the first day of *April*, annually, shall account for and pay to the Treasurer of the same county, all the duties that shall be so received. And each Register of Deeds shall, on or before the first day of *June* next, give bond, with sufficient sureties, to the Treasurer of the county, in the penal sum of *Five Hundred Dollars*, to account, on oath, for the monies or duties he shall so receive, and to pay the same as aforesaid; and each Register of Deeds shall be allowed, for so receiving and paying over the said monies or duties, at the rate of *two per cent.* thereon. *Provided however*, Where the said Register of any county shall also be Treasurer thereof, the said bond shall be made to such person, and in such form, as the Court of General Sessions of the Peace of the same county shall direct.

Register of
Deeds,

to give bond.

Proviso.

SECT. 4. *And be it further enacted*, That no person who, from and after the passing of this Act, shall receive a commission appointing him to any of the offices following, in any county, shall receive any of the fees or profits thereof until he shall pay to the Treasurer of the county the sum herein after annexed to his office, and produce to, and lodge with, the Secretary of the Commonwealth the County-Treasurer's certificate therefor, to wit: Each person who shall receive a commission, appointing him Sheriff of the counties of *Suffolk, Essex, Middlesex, Hampshire or Worcester*, *Forty Dollars*; and of every other county, *Twenty Dollars*; or appointing him a Clerk of the Court of Common Pleas in the counties of *Suffolk, Essex, Middlesex, Hampshire or Worcester*, *Forty Dollars*; and in any other county, *Twenty Dollars*; or appointing him Judge of Probate, Register of Probate, or Judge of the said Court of Common Pleas, *Four Dollars*; or appointing him a Justice of the Peace, *Two Dollars*; and each person who shall be elected and appointed Register of Deeds in any county, *Four Dollars*; nor shall any person who, after the passing of this Act, shall be proposed to be admitted as an Attorney in the Court of Common Pleas in any county, have the oaths administered to him until he shall produce the certificate of the Treasurer of the county that he hath paid to him *Twenty Dollars*, nor in the Supreme Judicial Court until he shall produce a like certificate of the payment of *Thirty Dollars*; nor be admitted to the degree of Barrister of Law until he shall produce a like certificate of the payment of *Forty Dollars*.

Persons receiving commissions, to pay certain sums annexed to the office.

And

Appropriation. And all the monies which shall be received by the respective County-Treasurers, by virtue of this Act, shall be appropriated to pay the travel and services of Grand and Petit-Jurors.

[This Act passed *February 27, 1796.*]

An ACT for giving to the Supreme Judicial Court, holden at *Boston*, within and for the County of *Suffolk*, original Jurisdiction of certain Crimes committed within the County of *Nantucket*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the*

Crimes committed in *Nantucket*, cognizable in the Supreme Judicial Court in *Boston*.

same, That the Supreme Judicial Court which shall, at any time within the month of *August*, be holden at *Boston*, within and for the county of *Suffolk*, shall have original jurisdiction and cognizance of all crimes which have been committed, or which shall be hereafter committed within the body of the county of *Nantucket*, and which shall not be cognizable by the Court of General Sessions of the Peace there, in the same, and in as full and ample a manner as if the same Supreme Judicial Court should be holden within and for the same county of *Nantucket*: And shall have power to try the same, and to give sentence and judgment therein, as fully, to all intents and purposes, as if the same Court should be holden within and for the same county, by legal establishment. *Provided always*, That when any person, who is an inhabitant or resident of the county of *Nantucket*, shall be arraigned upon any charge, whereof, if he shall be convicted, he may suffer the pain of death, and such person shall, as soon as he shall have pleaded to such indictment, request the Court to issue a *Venire Facias* for Jurors from the county of *Nantucket*; that then the Court shall issue a *Venire* for at least six persons, from said county, who shall, with others, be impannelled to try the same cause, subject, however, to challenge in the same manner as other Jurors; but the Court shall not be obliged to issue more than one such *Venire* in the same cause; but shall proceed to trial with such as shall not be challenged, and others of the county of *Suffolk*, according to law: Or, if the whole shall be challenged by the defendant, shall proceed with a Jury from the county of *Suffolk*.

Provido.

SECT. 2. *And be it further enacted*, That all recognizances of any persons charged with any offence, hereby made cognizable in the Supreme Judicial Court, to be holden for the county of *Suffolk* as aforesaid, shall be ordered and taken for appearance at that Court; and any order of imprisonment, upon such charge, may be to the gaol of the county of *Suffolk*; and the Sheriff of the said county of *Nantucket* and his deputy, and any Constable of the town of *Nantucket* in that county, shall

Criminals may be committed in the county of *Suffolk*.

shall have full power and authority, by virtue of the warrant of any Justice of the Peace of that county, to bring any person charged, and to be committed for trial as aforesaid, to the said gaol in the county of *Suffolk*.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the third section of an Act passed in the year of our Lord one thousand six hundred and ninety-nine, entitled, "An Act for establishing a Superior Court of Judicature, Court of Assize, and General Gaol Delivery, within this Province," by which clause provision is made for holding such Court, occasionally, within and for the county of *Nantucket*, shall be and hereby is repealed.

Clause of an
Act repealed.

[This Act passed *February 27, 1796.*]

An ACT for giving a new Appellation to a Corporation instituted in the Year of our LORD One thousand seven hundred and ninety-five, for bringing fresh Water into *Boston* by subterraneous Pipes.

[This Act passed *June 10, 1796.*]

An ACT setting off *Lemuel Rich*, and others, from the Town of *Standish*, and annexing them to the *Baptist Society* in *Gorham*.

[This Act passed *June 10, 1796.*]

An ACT to incorporate the Plantation called *Sudbury-Canada*, in the County of *York*, into a Town by the Name of *Bethel*, and for dividing the same Town, and establishing therein two Parishes.

[This Act passed *June 10, 1796.*]

An ACT to amend the Act "directing the Manner in which Inquests of Office shall be taken to revest Real Estate in the Commonwealth, or to entitle the Commonwealth thereto."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That in all cases wherein the Legislature hath already directed, or shall direct the Attorney-General to institute an Inquest of Office, in order to revest the title and possession of any real estate, in the said Commonwealth, for the breach or breaches of any of the

Inquests of office to revest real estate.

the conditions of the leases, grants, or other conveyances thereof; it shall be the duty of the said Attorney-General to assign such breach or breaches of conditions, in the information he shall file, as to him shall appear proper; though there shall be no Act of the Legislature directing or designating the same; any thing in the said Act to the contrary notwithstanding.

[This Act passed June 11, 1796.]

An ACT for establishing a Turnpike-Gate on such Road as shall be made at the Place and according to the Provisions of this Act.

[This Act passed June 11, 1796.]

An ACT for apportioning and assessing a Tax of *One Hundred and Thirty-Three Thousand Three Hundred and Ninety-Four Dollars and Eighty-Six Cents*, and providing for the Reimbursement of *Twenty Thousand Eight Hundred and Ninety-Nine Dollars and Fifty Cents*, paid out of the public Treasury to the Members of the House of Representatives, for their Attendance the two last Sessions of the General Court.

[This Act passed June 13, 1796.]

An ACT to change the Name of *Ephraim Farrar*, to the Name of *John Farrar*.

[This Act passed June 13, 1796.]

An ACT to incorporate *John Cleaves*, and others, for the Purpose of building a Sluice-Way, from a Place called *Dennett's Landing*, on *Saco-River*, to *Pepperell's Wharf*.

[This Act passed June 14, 1796.]

An ACT altering the Name of *Thomas Amory*, to the Name of *Thomas C. Amory*.

[This Act passed June 14, 1796.]

An ACT to incorporate certain Lands in the Towns of *Boylston*, *Sterling* and *Holden*, into a Precinct.

[This Act passed June 14, 1796.]

An ACT to incorporate *Theodore Sedgwick*, Esq. and others, for certain Purposes therein mentioned.

[This Act passed June 15, 1796.]

An ACT authorizing *Calvin Whiting* to conduct Water, in subterraneous Pipes, within the Town of *Dedham*, for the Accommodation of certain Inhabitans within said Town.

[This Act passed June 15, 1796.]

An ACT in further Addition to an Act, entitled, "An Act concerning general and common Fields."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That any person now owning, or who may hereafter own any lands lying within the limits of any general and common Field within this Commonwealth, shall have the right to inclose his own land, at his own expense ; and at all seasons of the year, to have the exclusive and separate right of using and improving his own lands so inclosed with a good and sufficient fence : *Provided*, That such proprietor shall be held to maintain his proportion of the general fence around said Field.

Persons to have a right to inclose and use their parts of the Field.

Proviso.

[This Act passed June 15, 1796.]

An ACT in Addition to, and in Explanation of an Act passed *January* the twenty-sixth, One thousand seven hundred and eighty-nine, entitled, "An Act to set off to the Patentees and other Purchasers, certain Lands in the Island of *Chapequiddick*, in the County of *Dukes'-County*, and finally to adjust and determine all Disputes between the said Patentees and other Purchasers, and the Indians on the said Island ; and to prevent Cattle, Horses, Sheep, Goats and Swine from going at large on the said Island at certain Seasons of the Year."

[This Act passed June 16, 1796.]

An

An ACT in Addition to an Act, entitled, “ An Act for dividing the Commonwealth into Districts for the Choice of Representatives in the Congress of the United States, and prescribing the Mode of Election.”

Vacancies,

how supplied.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That whenever any vacancies happen in the representation of this Commonwealth in the Congress of the United States, the Governor be and hereby is requested to cause precepts to issue to the Selectmen of the several towns and districts in which such vacancy shall happen, directing and requiring them to cause the inhabitants of their respective towns and districts to assemble on a day, in such precept to be appointed, to give in their votes for a Representative to supply such vacancy ; and the like proceedings in all respects shall be had, and the same penalties for any neglect of duty incurred, as are provided in the Act to which this is an addition.

[This Act passed June 16, 1796.]

An ACT in Addition to the Act ascertaining the Quality of Stone-Lime and the Size of Lime-Casks, and for repealing all Laws heretofore made relative thereto ; passed *February* twenty-six, One thousand seven hundred and ninety-four.

Lime-Hogf-heads, of what to be made.

SECT. 1. BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the staves of Lime-Hogheads, or Half-Hogheads, may be made of well-seasoned beech-wood, and that the Half-Hogheads, mentioned in said Act, shall be deemed and taken to be sufficiently secured, when made with eight hoops, well driven, and fastened with nails or pins ; any thing in the said Act to the contrary notwithstanding.

Penalty.

SECT. 2. And be it further enacted, That from and after the first day of *July* next, all Lime-Hogheads and Half-Hogheads shall be made with well-seasoned heads ; and if any manufacturer or owner of any Stone-Lime shall presume to sell or expose to sale, or ship any Lime, in casks, made with unseasoned heads, he shall be liable to the penalty of *Two Dollars* for each of such casks ; to be recovered and appropriated as in said Act is provided.

[This Act passed June 16, 1796.]

An

An ACT to incorporate the Owners of certain Lands in *Southwick*, in the County of *Hampshire*, bordering on the Line of the State of *Connecticut*, for the Purpose of managing the same as a common Field.

[This Act passed June 17, 1796.]

An ACT authorizing the first Parish in *Newbury* to discharge from Taxation, for the Support of public Worship in said Parish, such Persons within the Limits of said Parish as attend public Worship in any other religious Society, and are willing to be subject to Taxation in such Society.

[This Act passed June 17, 1796.]

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *Acuishnet-River*, in the Town of *New-Bedford*.

[This Act passed June 17, 1796.]

An ACT to set off *Samuel Hammond*, and others, with their Estates, from the second or northerly Parish in *Kittery*, and to annex them to the third or middle Parish in said Town.

Feb. 7, 1797.

[This Act passed June 17, 1796.]

An ACT in Addition to an Act, entitled, "An Act to repeal all Laws of this Commonwealth, imposing Duties and Excise on Carriages, and inflicting Penalties for selling Wines and foreign distilled Spirits, so far as the same respect said Matters."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Act, entitled "An Act for the due regulation of licensed houses;" and all and singular the restrictions, rules and penalties thereby established, excepting as to the recognizances required for the payment of duties on excise, shall be construed to be in full force; and every seller of wine, beer, ale, cyder, brandy, rum or any strong liquors, by retail, not licensed by the Justices of the Peace of the same county where such person lives, according to the regulations of the same Act, shall be liable to the penalties, and, upon due conviction, may suffer as therein is provided and declared; any thing in

Certain excise-restrictions and penalties in force.

in the said Act of repeal, to which this is in addition, to the contrary hereof notwithstanding.

Provido.

SECT. 2. *Provided, and be it further enacted*, That this Act shall not be used or construed in support of any prosecution for any penalty established by the said Act, for the due regulation of licensed houses, and supposed to be incurred since the said Act of repeal, and before the next license-term of the Court of General Sessions of the Peace, which shall be hereafter holden in the county where the offence shall be alleged.

[This Act passed June 17, 1796.]

An ACT to incorporate *Daniel Wells*, and others, Proprietors of the *Aqueduct* in *Greenfield*.

[This Act passed June 17, 1796.]

An ACT specially providing for the Removal of poor Persons from the District of *Marshpee*, who have no legal Settlement there.

Preamble.

WHEREAS the inhabitants of *Marshpee* are mostly Indians, Negroes and Mulattoes, people incapable of transacting the business of a Corporation, or of taking due care of themselves or estates; whereby many vagrant, strolling and poor people, intrude and shelter themselves there to the injury of the rightful inhabitants, and the general law for removing the poor is inapplicable to their circumstances:

Removal of poor persons.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That whenever it shall appear to the Board of Overseer of the District of *Marshpee*, that any person is resident in *Marshpee* who hath no legal settlement there, the said Overseers may (if they shall judge it expedient) order any guardian of the inhabitants of *Marshpee* forthwith to cause any person resident as aforesaid, to be removed to the town, district or plantation where he or they may belong or last resided; and also to prosecute for and recover reasonable damages and costs of any town, district or plantation to which such poor person belonged, if removed thereto; and the said guardian, in such case, is hereby invested with like authority as Overseers of the Poor are invested, in cases of removal of poor persons: And the said guardian, all Courts, Justices and officers, shall proceed in like manner as in other processes for removal of the poor, *mutatis mutandis*, and the said Board of Overseers shall be answerable for costs where judgment may be given against them, as towns are answerable, to be paid out of the funds of the said Board.

[This Act passed June 17, 1796.]

An

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *Connecticut-River*, in the County of *Hampshire*, and for supporting the same.

[This Act passed June 18, 1796.]

Addit. Act,
Feb. 4, 1800.

An ACT to cede to the United States the Jurisdiction of the Tracts of Land which shall be required for the Light-Houses authorized by Congress to be erected upon *Baker's-Island* and *Cape-Cod*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the United States of America may purchase or take as herein after is provided, any Tracts of Land which shall be found necessary and convenient for the Light-Houses authorized by Congress to be erected upon *Baker's-Island* and upon *Cape-Cod*, within this Commonwealth; and during the continuance of the use and appropriation aforesaid, the jurisdiction of such Tracts of Land not exceeding the quantity of ten acres for each Light-House, shall be and hereby is ceded to and shall be in the said United States: *Saving, and provided always,* That all civil and criminal processes issued under the authority, or by any officers of this Commonwealth, shall have full force and effect within the said Tracts of Land, and any buildings which shall be there erected, this cession of jurisdiction notwithstanding.

Lands ceded.

SECT. 2. *And be it further enacted,* That if the agent or person employed for the United States, and the owner or owners of any Tract or Tracts of Land which shall be found necessary and convenient for the said Light-Houses, cannot agree in a sale and purchase thereof, such agent or person employed may apply to any Court of General Sessions of the Peace which shall be holden within and for the county wherein such Land lies, who shall and may appoint a Committee, of three freeholders, impartial men, to determine a just equivalent to the owner or owners of such Land; which Committee shall be sworn before some Justice of the Peace for the faithful discharge of their trust, and shall forthwith proceed to view, set off and appraise such Tract or Tracts of Land, and shall make return of their doings to the same Court; and which award and return being accepted by the Court, and the amount of such appraisement being paid to the owner or owners of the Land appraised and set off by such Committee: Or, if the owner or owners shall not appear, or shall refuse to receive the same, to such person or corporation, for the use of the owner or owners, as the same Court shall order, the Tract or Tracts

Differences
with owners
of Lands, how
adjusted.

of

Provide.

of Land so appraised and set off, shall be vested in the United States, and shall and may be taken, possessed and appropriated for the purposes aforesaid. *Provided*, That all charges of such application and appraisement shall be paid by the United States, and provided that the Land which may be set off for the purposes of this Act, shall not exceed the quantity of ten acres in the whole for each Light-House, including and reckoning therewith any Land purchased for the same.

[This Act passed *June 18, 1796.*]

An ACT providing for the holding of a Court of Common Pleas within and for the County of *Essex*, to prevent a Failure of Justice in that County.

This Act passed *November 22, 1796.*

An ACT to alter the Name of *Samuel Hewes*.

[This Act passed *November 24, 1796.*]

An ACT to incorporate *John Bacon*, and others, for the Purposes therein mentioned.

[This Act passed *November 24, 1796.*]

An ACT for incorporating a religious Society in *Newburyport*, in the County of *Essex*.

[This Act passed *November 24, 1796.*]

An ACT to alter the Time of holding the Courts of Common Pleas and General Sessions of the Peace, now by Law holden at *Portland*, within and for the County of *Cumberland*, on the last Tuesday of *May*, to the last Tuesday of *April*.

Preamble.

WHEREAS divers inconveniencies attend the holding of the said Courts on the said last Tuesday of *May*, and the Justices of the Court of General Sessions of the Peace have petitioned this Court to alter the same :

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Court of General Sessions of the Peace and the Court of Common Pleas, which by law are now appointed to be holden

at

at *Portland*, within and for the county of *Cumberland*, on the last Tuesday of *May* annually—shall hereafter be holden at said *Portland*, within and for the said county of *Cumberland*, on the last Tuesday of *April* annually; any law to the contrary notwithstanding. Courts, when to be holden.

[This Act passed November 24, 1796.]

An ACT in Addition to, and for Amendment of the Act passed the eleventh Day of *June*, One thousand seven hundred and ninety-six, establishing the first Massachusetts Turnpike Corporation.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the clause in the Act aforesaid, passed the eleventh day of *June*, one thousand seven hundred and ninety-six, requiring the Turnpike-Road, mentioned in said Act, to be thirty feet wide in every part of it, so far as respects the width of said Road, be and the same is hereby repealed. Clause repealed.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the same Turnpike-Road shall be laid out and made, by the Corporation, of sufficient width in every part of it for the accommodation of the public, and that the open uninclosed ground shall be, at least, three rods wide throughout the whole length of it, and the made-way and path for travelling shall be of sufficient width, and not less than eighteen feet wide in any part thereof. Width of Road.

And whereas no provision is made in said Act to enforce the payment of such taxes as the Corporation shall agree to raise for making and repairing said Road, and other necessary charges :

SECT. 3. *Be it further enacted,* That whenever any proprietor shall neglect or refuse to pay any tax or assessment duly voted and agreed upon by the Corporation, to their Treasurer, within sixty days after the time set for the payment thereof, the Treasurer of said Corporation is hereby authorized to sell, at public vendue, the share or shares of such delinquent proprietor, one or more, as shall be sufficient to defray said taxes and the necessary incidental charges, after duly notifying in the *Springfield*, *Northampton* and *Worcester* newspapers, the sum due on any such shares, and the time and place of sale, at least twenty days previous to the time of sale; and such sale shall be a sufficient transfer of the share or shares so sold to the person purchasing; and, on producing a certificate of such sale from the Treasurer to the Clerk of said Corporation, the name of such purchaser, with the number of shares so sold, shall be by the Clerk entered on the books of said Corporation, and such purchaser shall be considered, to all intents and purposes, Shares may be sold.

poses, the proprietor thereof, and the overplus (if any there be) shall be paid on demand by the Treasurer to the person whose shares were thus sold.

[This Act passed November 25, 1796.]

Feb. 13, 1786. An ACT for regulating Hackney-Carriages in the Town of *Boston*, and to repeal an Act heretofore made for that Purpose.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the*
 Carriages to be licensed. *same*, That no person or persons shall be permitted to set up or employ any Coach, Chariot, Coachee or other Carriage in the town of *Boston*, for the purpose of conveying persons for hire, until the owner thereof shall obtain a license for that purpose, in writing, from the major part of the Selectmen of said town, which license shall be and remain in full force for one year from the date of it, unless sooner revoked or annulled by said Selectmen or a major part of them; and the said Selectmen are hereby authorized to grant licenses for such number of Hackney-Coaches and Carriages, and to make such rules and regulations for the standing of said Carriages in the different streets of said town, as they shall judge proper, and the same to change and vary, as occasion may require.

To be numbered and registered. SECT. 2. *And be it further enacted*, That the Selectmen of said town be and they are hereby authorized and directed to cause all such Hackney-Carriages to be numbered and registered in a book to be kept by the Town-Clerk for that purpose, and the number of each Carriage shall be fixed upon the same in such conspicuous place or places as the said Selectmen shall direct; and the fees for each license, to be paid by the person receiving the same, shall be *One Dollar*.

Penalty for using unlicensed Carriages. SECT. 3. *And be it further enacted*, That any person who shall set up or use any Hackney-Carriage for the purpose aforesaid, without having obtained a license from the said Selectmen, or who, having obtained such license, shall continue to keep and use such Carriage after the same license shall be revoked, annulled or become void, according to this Act, shall forfeit and pay for every time such Carriage shall be used, a sum not exceeding *Four Dollars*. And every such Hackney-Carriage that shall be found standing or plying in any street or highway contrary to the regulations of the said Selectmen, or without its number painted on it as aforesaid, or after the license therefor shall have been revoked or annulled by the said Selectmen, or expired by this Act and before the same shall have been renewed, shall be considered as an unlicensed Carriage, and the owner of the same shall be subjected

to the like forfeiture as in the case of an unlicensed Carriage for every such offence.

SECT. 4. *And be it further enacted*, That the said Selectmen be and hereby are authorized and empowered to revoke and annul any license by them given as aforesaid, at any time they may think proper, for the breach of any rules and regulations by them prescribed, or for any gross misbehaviour of the driver in driving, in abusive language or otherwise, complaint having been previously made to them and they having heard the parties, or the owner, after reasonable notice, making default of appearance to answer thereto.

Licenses may be annulled.

SECT. 5. *And be it further enacted*, That the person in whose name a license is taken out for any Hackney-Carriage as aforesaid, shall, for all the purposes of this Act, be considered as the owner of the same and liable to all forfeitures and penalties herein contained, unless upon the sale of his Carriage notice be given thereof and the license delivered up to the Selectmen; and the publications of the rules and regulations of said Selectmen, and of the annulling and revoking any license as aforesaid, in the newspaper printed by the printer for the Commonwealth, for the time being, shall be deemed and taken, to all intents and purposes, as sufficient notice of the same to all such owners of Carriages as aforesaid.

Persons taking licenses, to be considered as owners.

SECT. 6. *And be it further enacted*, That a major part of the Selectmen be authorized and empowered to make such rules and regulations, establishing the rates and prices to be paid for the Carriage and conveyance of persons in said Hackney-Coaches within the limits of the town of *Boston*, as they may from time to time judge reasonable, regard being had to the time and distance. And if any owner or driver of a Hackney-Carriage shall demand and extort from any person or persons a sum beyond the rates which may thus be established by the said Selectmen, the license of such Carriage, upon complaint made to the Selectmen as aforesaid, after a due hearing, may be forfeited and revoked, and the owner shall be further liable to refund the sum thus received and extorted to the party grieved. And all the penalties and forfeitures aforesaid, shall be recovered in an action on the case, before any Justice of the Peace of the County of *Suffolk*, to the use of the person who shall sue for the same.

Selectmen to establish rates, &c.

Penalty for extortion.

Penalties to be recovered.

SECT. 7. *And be it further enacted*, That an Act for regulating Hackney-Carriages in the town of *Boston* made and passed on the twenty-third day of *February*, in the year of our Lord one thousand seven hundred and ninety-six, be and the same hereby is repealed, excepting so far as the licenses granted under the same Act shall continue and be in force, but subject to the conditions and limitations of this Act.

Former Act repealed.

[This Act passed November 25, 1796.]

An ACT altering the Name of *William White*, to the Name of *William Charles White*.

[This Act passed *November 25, 1796.*]

An ACT to amend an Act, entitled, “An Act to set off *Samuel Hammond*, and others, with their Estates, from the second or northerly Parish in *Kittery*, and to annex them to the third or middle Parish in said Town;” passed *June* seventeenth, One thousand seven hundred and ninety-six.

[This Act passed *February 7, 1797.*]

An ACT for incorporating certain Persons by the Name of *The Proprietors of the Social Library in Salem*.

[This Act passed *February 7, 1797.*]

An ACT in further Addition to an Act, entitled, “An Act for incorporating certain Persons for the Purpose of building a Bridge over *Merrimack-River*, in the County of *Essex*, and for supporting the same,” passed *March*, One thousand seven hundred and ninety-three.

[This Act passed *February 7, 1797.*]

An ACT establishing the Boundary-Line between the Town of *Williamsburgh* and the Towns of *Chesterfield* and *Goshen*.

[This Act passed *February 7, 1797.*]

An ACT to incorporate *Chandler Robbins*, and others, for the Purpose of conveying Water in the south Parish in the Town of *Hallowell*.

[This Act passed *February 9, 1797.*]

An ACT for regulating the Alewife Fishery in the Town of *Bridgewater*, in the County of *Plymouth*, and for repealing all Laws heretofore made for that Purpose.

[This Act passed *February 10, 1797.*]

An ACT to incorporate certain Persons in the Town of *Lancaster*, for the Purpose of conducting Water from the Springs at and about *Quassaponikin-Hill* (so called) to Inhabitants in a Part of the Town called the Neck.

[This Act passed *February 14, 1797.*]

An ACT to incorporate the Plantation *Number-Six*, west of *Machias*, in the County of *Washington*, into a Town by the Name of *Addison*.

[This Act passed *February 14, 1797.*]

An ACT for regulating Ferries.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That no person or persons whatever shall keep a Ferry Ferryman to be licensed. within this Commonwealth, so as to demand or receive pay, without a special license first had and obtained from the Court of General Sessions of the Peace of the County wherein such Ferry may be ; and the said Court is hereby empowered to grant such licenses to such person or persons as shall be judged suitable for such service by the same Court ; and to state the fare or ferriage at each Ferry for passengers, horses and other creatures, carriages, waggons, carts, teams and other things there transported, always having regard to the breadth and situation of, and the more or less passing at, any Ferry ; in all cases taking bond, with sufficient sureties, of each Ferryman Fare regulated. for the faithful performance of the duties and services of his place ; excepting, however, all such Ferries as are already stated and settled by the Court or town to whom they appertain. Bond to be required. Exception.

SECT. 2. *Be it further enacted,* That all Ferryman at the several Ferries in this Commonwealth, as well those stated and settled as aforesaid, as others, shall keep a good boat or boats in good repair, suitable to the water they are to ferry over, and give ready and due attendance on passengers, on all occasions, Ferryman to keep boats.

Penalty for neglect.

sions, for the times, and according to the regulations established at any Ferry; and the keeper or keepers of each Ferry, for every neglect of such attendance, shall forfeit and pay *One Dollar*, and for every neglect in keeping such a boat, *Twenty Dollars*; one moiety thereof in each case, to the use of the Commonwealth, and the other moiety to him or them who shall inform and sue for the same; and be further liable to pay in an action on the case, all such special damages as any person shall sustain by such neglect.

Unauthorized persons not to officiate as Ferrymen.

SECT. 3. *Be it further enacted*, That if any person or persons shall keep a Ferry or transport passengers over or across any stated Ferry, so as to demand or receive pay, having no right or authority so to do, he shall forfeit and pay for every such offence, *Four Dollars*,—one moiety thereof to the Commonwealth, and the other to him or them who shall inform and sue for the same; and be further liable, in a special action on the case, to pay such damages as may or shall accrue to the person or persons assigned and authorized to keep any such stated Ferry or Ferries.

Town to provide Ferrymen under certain circumstances.

SECT. 4. *Be it further enacted*, That whenever the Court of General Sessions of the Peace of any county in this Commonwealth shall judge it necessary to set up a Ferry for the convenience of passing any river or waters, and no person shall appear to keep the same for the stated profits thereof, the town or district wherein such Ferry may be shall take effectual care to provide suitable person or persons to keep and attend the same at such place, and in such times of the year, as the said Court shall judge necessary; which person or persons shall be licensed by such Court as aforesaid. And the said Court shall take bonds, with sureties, of such persons for the faithful performance of the duties and services of their places; and state the fare or ferriage to be demanded and received at such Ferry, having regard to the breadth and situation of, and the more or less passing at, the same. And the person or persons so appointed Ferrymen at any Ferry so set up, shall keep a good boat or boats in good repair, suitable to the waters they are to ferry over; and on failure at any time so to do, shall forfeit and pay *Twenty Dollars* for each neglect; and shall also give ready and due attendance on all passengers; and for each neglect so to do, shall forfeit and pay *One Dollar*,—one moiety thereof in each case, to the town or district wherein such Ferry may be—and the other moiety to him or them who shall inform and sue for the same.

Penalties for the Ferrymen's neglect.

Towns each side a river, alternately to provide Ferrymen.

SECT. 5. *Be it further enacted*, That if any such Ferry, so judged necessary, shall be over any river or water when one town or district joins thereto on one side, and another town or district on the other side; in such case the said towns and districts shall, either jointly or alternately, provide such person or persons to keep such Ferry as the said Court shall order.

SECT.

SECT. 6. *Be it further enacted*, That any town or district neglecting to provide suitable persons to keep Ferries as aforesaid shall forfeit and pay *Forty Dollars* for each month's neglect,—one moiety thereof to the use of the Commonwealth—Penalty for towns' neglect. and the other moiety to him or them who shall inform and sue for the same. And all the forfeitures aforesaid which may be incurred, shall be recoverable in an action of debt, with costs of suit, before a Justice of the Peace or Court of Common Pleas of the county wherein the Ferry may be, according to the amount of the forfeitures to be recovered.

SECT. 7. *Be it further enacted*, That this Act shall take effect and be in force on and after the first day of *July* next; and that three Acts relating to the subject-matter of this Act; one passed *Anno Domini* sixteen hundred and ninety-four, for regulating Ferries; another in addition thereto *Anno Domini* Former laws repealed. seventeen hundred and twenty-six; and a third *Anno Domini* seventeen hundred and sixty, relating to Ferries, and continued in force to the first day of *November* next, shall, on and after the said first day of *July* next, be repealed and cease to operate; excepting, however, they shall remain in force for the purpose of recovering any forfeitures that may accrue by virtue of them.

[This Act passed *February* 14, 1797.]

An ACT to incorporate *Joshua Thomas*, Esquire, and others, for the Purpose of conveying fresh Water, by Pipes, in the Town of *Plymouth*.

[This Act passed *February* 15, 1797.]

An ACT confirming the Title of the Reverend *Samuel Todd*, and those holding under him, to certain Lots of Land in the Town of *Adams*.

[This Act passed *February* 15, 1797.]

An ACT extending the Time for receiving, on Feb. 24, 1796. Loan, the Debt of this Commonwealth.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the term for receiving, on loan, the Debt of this Commonwealth, which hath not been subscribed, in pursuance of and conformable to an Act to provide for the Debt of this Commonwealth, and one other Act for appropriating *Twelve Thousand Pounds*, part of Tax No. 11, to the payment of interest on the funded and consolidated Debt of this Commonwealth, and

Term extend-
ed.
Treasurer
directed.

and for other purposes, be and the same hereby is extended to the first day of *February* next : And the Treasurer of this Commonwealth is hereby authorized and directed to receive and admit subscriptions to the said loan, of all such species of the said Debt as are in the said two Acts described, until the first day of *February*, in the same manner, and on the same terms, as are in the said two Acts provided and established.

[This Act passed *February* 20, 1797.]

An ACT to incorporate a Town in the County of
Berkshire by the Name of *Savoy*.

[This Act passed *February* 20, 1797.]

An ACT for regulating Drains and common Shores.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That if any person shall dig or break up the ground in any highway, street or lane in any town, for the laying, altering, repairing or amending of any Drain or common Shore without the consent of the Selectmen of the town signified, in writing, under the hand of the Town-Clerk, such person shall forfeit and pay *Four Dollars* for each offence, to the use of the poor of the town, to be recovered, with costs of suit, in an action of debt, by the Treasurer thereof, before any disinterested Justice of the Peace in the county.

Penalty for not
consulting Se-
lectmen.

Drains, &c.
how to be
made.

Persons bene-
fited, to share
in the expense.

SECT. 2. *Be it further enacted*, That all Drains and common Shores for the draining of cellars which shall hereafter be made or repaired in any streets or highways, shall be substantially done with brick or stone, or with such other materials as the Selectmen of the town shall permit, and in such manner as the said Selectmen shall direct. And when any one or more of the inhabitants of any town shall, by the consent and under the direction aforesaid, at his or their own charge, make and lay any common Shore or main Drain for the benefit of themselves and others who may think fit to join therein ; every person who afterwards shall enter his or her particular Drain into the same, or by any more remote means shall receive any benefit thereby, for the draining of their cellars or lands, shall be held to pay to the owner or owners of such common Shore or main Drain a proportionable part of the charge of making or repairing the same, to be ascertained and determined by the Selectmen of the town or a major part of them, and certified under their hands ; saving always to the party aggrieved at any such determination, a right of appeal to the Court of General Sessions of the Peace,

SECT.

SECT. 3. *Be it further enacted*, That when any common Shore or main Drain shall be stopped or gone to decay so that it shall be necessary to open the same in order to repair it or remove such stoppage, all the persons who shall be benefited by such repairs or removal of obstructions shall be held to pay their proportionable parts of the expenses thereof, as well those who do not as those who do cause such repairs to be made or obstruction removed; to be ascertained and determined by the Selectmen as aforesaid, saving an appeal as aforesaid. And each person so held to pay his or her part shall have notice thereof of the sum, and to whom to be paid; and if such person shall not pay the same within ten days after such notice, to the person appointed by the Selectmen to receive it, he or she shall be held to pay the person so appointed double the sum mentioned in such certificate, with all costs arising upon such neglect; and such person is hereby empowered to bring an action or actions for the same accordingly.

To share in
expenses of
repairs, &c.

Case of refusal.

Provided always, That the person or persons who shall have occasion to open any common Shore or main Drain in order to clear and repair the same, shall, seven days at least before they begin to open the same, notify all persons interested therein by advertising in such manner as the Selectmen may direct, that they may (if they think proper) object thereto, and lay their objections in person, or writing, before the Selectmen: And if the Selectmen, or the major part of them, shall judge the objections reasonable, then the person or persons making the same shall not be held to pay any part of such expenses; but if they do not make their objections as aforesaid to the Selectmen within three days after being so notified, or if they shall deem the objections not to be sufficient, then they shall, under their hands, give liberty to the persons applying to proceed to open such common Shore or main Drain and clean and repair the same; and all interested therein shall pay their proportions as is provided in this Act.

Proviso.

Provided also, That nothing in this Act shall be understood or construed to effect or make void any covenants or agreements already made or that may hereafter be made among the proprietors of such Drains or common Shores.

Further proviso.

SECT. 4. *Be it further enacted*, That this Act shall take effect and be in force on and after the first day of *July* next; and that an Act passed *Anno Domini* one thousand seven hundred and nine, for regulating Drains and common Shores; and another Act passed *Anno Domini* one thousand seven hundred and sixty-three, in addition thereto, and continued in force to the first day of *November* next, be repealed on and after the first day of *July*; except as to the enforcing payment of such forfeitures as may before that time accrue by virtue thereof.

Former Acts repealed.

[This Act passed *February* 20, 1797.]

An

An ACT to incorporate *Samuel Fisk Merrick*, and others, for certain Purposes therein mentioned.

[This Act passed *February 20, 1797.*]

An ACT to divide the Town of *Hallowell*, in the County of *Lincoln*, into two Towns, and to incorporate the northerly Part thereof into a Town by the Name of *Harrington*.

[This Act passed *February 20, 1797.*]

An ACT to remedy an Omission of Form in the opening of the Court of General Sessions of the Peace for the County of *Middlesex*, at the *November-Term* thereof in the Year of our LORD One thousand seven hundred and ninety-six.

[This Act passed *February 20, 1797.*]

An ACT for apportioning and assessing a Tax of *One Hundred and Thirty-Three Thousand Three Hundred and Eighty-One Dollars and Fifty-Three Cents*, and providing for the Reimbursement of *Ten Thousand Three Hundred and Sixty-Eight Dollars*, paid out of the public Treasury to the Members of the House of Representatives, for their Attendance the two last Sessions of the General Court.

[This Act passed *February 22, 1797.*]

An ACT to prevent the Destruction of the Fish called *Bass*, in the River *Parker* in *Newbury*, and in *Rowley-River*, and in the Streams and Waters running into the same, in the County of *Essex*.

[This Act passed *February 22, 1797.*]

An ACT to regulate the Price of Fish called *Alwives*, in the Town of *Taunton*.

[This Act passed *February 23, 1797.*]

An ACT to divide the Town of *Stoughton*, in the County of *Norfolk*, and to incorporate the northerly Part thereof into a Town by the Name of *Canton*.

[This Act passed February 23, 1797.]

An ACT to incorporate the Wardens and Vestry-Men of the Episcopal Church of *St. Andrew's*, in *Scituate*, into a Society by the Name of *The Episcopal Protestant Society of St. Andrew's Church in Scituate*.

[This Act passed February 23, 1797.]

An ACT to incorporate a Number of the Inhabitants of the Town of *Sandisfield*, in the County of *Berkshire*, into an Episcopal Society.

[This Act passed February 27, 1797.]

An ACT to repeal all former Laws made for the Preservation of Moose and Deer within this Commonwealth, except as is herein after excepted.

[This Act passed February 27, 1797.]

An ACT in Addition to the several Acts now in force respecting Highways.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the*

same, That the inhabitants of plantations unincorporated, who are or shall be empowered and required to assess taxes upon themselves towards the support of government or for defraying the charges of any county, shall be vested with like powers, be under the like obligations, and liable to like penalties, so far as such powers, obligations and penalties have any relation to the making, repairing or amending the Highways, and for compensating any individual who may suffer damage by laying out any Highway, as the towns within this Commonwealth have, are under, or subject to ; and like proceedings shall be had by and against such plantations as may be had by or against said towns, in every case respecting the Highways, *mutatis mutandis*. And the Assessors of such plantations shall be held to perform all the duties required of the Selectmen of towns relating to Highways and invested with the same powers.

Plantations unincorporated to be under the same Highway regulations as incorporated towns.

SECT.

Proprietors of
unincorporated
lands, to keep
Highways
through the
same in repair.

Exception.

Expense to be
apportioned.

Proviso.

Case of new
Highway, or
repairing an
old one.

Expense to be
proportionally
assessed.

SECT. 2. *And be it further enacted*, That all Highways laid out or hereafter to be laid out through any tracts of land in the Commonwealth not comprehended within the bounds of any incorporated town or plantation aforesaid, shall be made passable and convenient for travelling and kept in good repair by the owners or proprietors of the said tract of land, township or plantation; unless, in the judgment of the Court of General Sessions of the Peace for the county in which such lands lie, it may be deemed unreasonable; in which case the same shall be done at the expense of the county, or partly at the expense of the county and partly at the expense of the proprietors, as the said Court shall order. And all the proprietors or owners of such tracts of land, townships or plantations last mentioned, shall be held to pay their proportions, according to their interest, of all cost and expenses of making and repairing the Ways aforesaid through any part of the tracts, townships or plantations last mentioned. *Provided nevertheless*, That all lands reserved for the use of the first settled minister, the ministry, schools, or for the future appropriation of the General Court, in the said tracts, plantations and townships last mentioned, shall be and hereby are exempted from all taxes for making and repairing Highways therein.

SECT. 3. *Be it further enacted*, That the Courts of General Sessions of the Peace in the several counties in this Commonwealth, whenever application shall be made to them to lay out any new Highway through any such tract, township or plantation last mentioned, or for an order thereof to amend and repair any Highway already laid out in the same, the said Court shall cause notice thereof to be given, by publishing the substance of such application three weeks successively in one of the newspapers printed in the town of *Boston* and such other paper as the said Court shall direct, in order that the proprietors of said lands may appear before said Court, at such time as the Court shall therein prefix, and shew cause why such Highway should not be laid out or amended, as the case may be. And if such proprietors do not appear and shew cause, to the satisfaction of said Court, that such Highway ought not to be laid out or made or amended, at the expense of said proprietors, then the said Court may proceed to lay out such Highway in the manner prescribed by law, and to order the same to be made or amended at the expense of the said proprietors, as the case should require; and shall cause an assessment to be made on such tracts of land, township or plantation, at so much per acre, as they shall judge necessary for making or amending such Highway and defraying the necessary expense attending the same; and the proprietors of the said tracts, townships or plantations last mentioned, where the lands therein are held in severalty, shall be severally assessed their respective proportions in every tax which may be ordered for making or repairing the Highways

ways therein: *Provided*, Such proprietors shall previously furnish said Court with proper documents for that purpose; and the Treasurer of the county wherein the land so assessed may lie, shall forthwith cause such tax to be advertised in manner aforesaid, requiring each and every owner or proprietor of any part of the tract, township or plantation last mentioned, to pay said tax; or if the assessment is made in severalty, his part thereof, to said Treasurer within six months from the first publishing said advertisement and notifying such proprietors, that unless the same shall be paid within the time specified, so much of the said land will be sold at public vendue, at a certain day and place in the said advertisement to be expressed: And when any proprietor or owner of any part of such tract, township or plantation last mentioned (the parts thereof not being severally assessed) shall pay his proportion of such tax, he shall take a receipt therefor, describing the land for which he shall pay such tax; and so much of the remaining part of such land for which said tax shall not be paid before the expiration of the said six months, shall be sold by the Treasurer aforesaid or his successor in office, or such Committee as the Court of General Sessions of the Peace aforesaid shall appoint for that purpose, at the time and place set forth in the advertisement, as may be necessary to pay the remaining part of said tax, with incidental charges. And the said Treasurer or Committee are hereby authorized to adjourn the time of sale of such land from day to day, if he or they shall judge it necessary, not exceeding three days, and make a good and sufficient deed or deeds of such lands, allowing the same time of redemption, and subject to the payment of the like interest, as is by law allowed in the cases of land sold for taxes; and the money so raised shall be applied by said Court, or by a Committee to be by them appointed for that purpose, to make and repair said Highways. And a similar method shall be taken from time to time, by said Court, for keeping in repair all Highways leading through such tracts, townships or plantations last mentioned, in case the owners thereof shall neglect to keep said Highway in sufficient repair. And the owners and proprietors of any such tract, township or plantation last mentioned, are hereby authorized to call meetings for the purpose of raising such sums of money as they may judge necessary for making and repairing such Highways, and for choosing officers for assessing and collecting the same.

Proviso.

Tax to be advertised.

In default of payment, land to be sold at auction.

Time of sale may be adjourned.

Meetings to be called for raising necessary sums.

SECT. 4. *Be it further enacted*, That it shall be the duty of the Selectmen of the several towns and districts, and of the Assessors of the several plantations within this Commonwealth, before the first day of *May* annually, to assign to the several Surveyors their divisions and limits for making and repairing the Highways; and one half of the sum at least which shall be agreed upon and granted by any town or district for making

Surveyors' limits to be assigned.

ing

ing or repairing the Highways, shall be laid out and expended for that purpose before the first day of *July* next after granting the same.

Surveyors to
cause labour
to be done in
certain cases.

Surveyors may
be authorized
to make con-
tracts, and

collect taxes.

Money re-
maining un-
expended.

Surveyors may
be sued.

----- neg-
lecting to ex-
hibit rate-bills
and accounts.

And when any town, district or plantation shall neglect to raise money for the purpose of making and repairing the Highways and Townways as aforesaid, it shall be the duty of the several Surveyors in such towns to cause so much labour to be done on the said Ways [in their respective districts before the first day of *July* as shall amount to one half at least of the expenses of repairing said Ways] the year next preceding.

SECT. 5. *And be it further enacted*, That every town or district may, at their aforesaid annual meeting, or any meeting warned for that purpose, authorize their Surveyors or any other person or persons, to enter into any contract or contracts for making or repairing the Highways or Townways within the same or any part thereof; and may also empower their Surveyors of Highways to collect taxes for making and repairing the Ways which shall not be paid in labour or otherwise within the time limited by law, or such periods as may be agreed upon by such town or district; and for that purpose the Assessors shall deliver to them warrants of distress, which shall be in the form prescribed by law for collecting other town or district taxes, *mutatis mutandis*; or they may deliver to the Collector or Collectors of taxes a warrant for collecting the deficiency in any Highway tax, which the Collector is hereby empowered and required to levy in the same way and manner as other taxes are by law to be collected, and pay the same over to the Surveyor or Surveyors, who shall be held to account with the Selectmen for the expenditure thereof. And if any money shall remain unexpended in the hands of the Surveyor or Surveyors after the expiration of their office, they shall pay the same to the Town-Treasurer. And if any Surveyor shall neglect to pay over such sums to the said Treasurer upon demand, the said Treasurer or his successor in that office, shall have power to recover the same, in an action upon the case, with *twenty per cent.* in addition thereto, to the use of the town or district, and with costs of suit. And if, pending the action, another Town or District-Treasurer shall be appointed, he, on noting his appearance on the record, shall have power to pursue the same action to final judgment and execution. And if any Surveyor who shall receive his rate-bill of the Selectmen or Assessors of any town or district, shall neglect to exhibit the same to them on the first Monday of *July* annually, and also at the expiration of the term for which he shall be appointed, and at those times respectively to render an account of all monies that have been expended on the Ways, he for each offence shall forfeit and pay *Twenty Dollars*, to be recovered in an action of debt, with costs of suit, by the said Treasurer as aforesaid, and to the uses aforesaid.

SECT.

SECT. 6. *And be it further enacted*, That when any new Highway has been or shall have been laid out and accepted by the Court of General Sessions of the Peace, a reasonable time shall be allowed to the town or district or any plantation assessed in any state or county tax, through which such Highway shall lead, to make it passable, safe and convenient for travellers and others passing with their teams, waggons or other carriages : *Provided*, That such time shall not exceed twelve months from the time of such acceptance ; unless said Court shall, for reasons specially given, order a longer time. And if any town, district or plantation aforesaid, shall neglect their duty in that respect, the said Court, on application therefor, shall appoint a Committee of three disinterested freeholders in the same county, to enter into any contract or contracts for making such new Highway passable as aforesaid, the expense of which shall be immediately afterwards defrayed by the delinquent town, district or plantation last mentioned ; and in default thereof, the said Court shall issue a warrant of distress against such town, district or plantation.

Time to be allowed in case of new Highway.

Proviso.

Towns neglecting their duty, to be sued, &c.

SECT. 7. *And be it further enacted*, That the lands of non-resident proprietors shall be taxed for the making and repairing Highways, in the same way they are taxed for other town or county taxes ; and upon default of payment, the same proceedings shall be had as is provided for the collection of other taxes from such persons, and without any other notice.

Non-residents' lands, to be taxed.

Whereas by law it is made the duty of Surveyors of the Highways, when the same are blocked up or incumbered with snow, forthwith to cause so much thereof to be removed or trod down as will render the roads passable, which cannot be conveniently effected by a tax granted for that purpose :

Snow to be levelled, &c.

SECT. 8. *Be it therefore further enacted*, That all such incumbrances may be removed in the manner the same might be done in any town or district who shall neglect to vote or agree upon a sum for the express purpose of repairing the Highways and Townways : *Provided*, That any town or district shall agree upon that mode of removing such incumbrances in the month of *March* or *April* annually ; any law to the contrary notwithstanding.

Proviso.

[This Act passed *February* 28, 1797.]

An ACT to set off Part of the Town of *Greenwich*, which lies in the County of *Worcester*, and for annexing the same to the County of *Hampshire*.

[This Act passed *March* 1, 1797.]

An

Feb. 27, 1795. An ACT in Addition to an Act, entitled, "An Act to incorporate sundry Persons by the Name of *The President and Directors of the Nantucket Bank.*"

Preamble.

WHEREAS by the said Act establishing said Bank it is, among other things, provided, That the capital stock of the said Bank shall not be less than *Forty Thousand Dollars*, nor more than *One Hundred Thousand Dollars*; and whereas by a theft lately committed on said Bank, the Subscribers thereto find themselves unable to raise a capital stock so large as *Forty Thousand Dollars*:

Least capital stock.

SECT. 1. *Therefore be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Twenty Thousand Dollars* be the least capital stock of the said Bank; and in case the subscribers to or those interested in said Bank shall, on or before the first day of *July* next, increase their said capital stock to the said sum of *Twenty Thousand Dollars*, they shall be entitled to all the corporation-rights and privileges, and subject to all the obligations and duties contained in the said Act, in the same manner they would have been, had they paid said *Forty Thousand Dollars* according to the said Act.

And whereas many of the original Stockholders who have paid into said Bank the first and second instalments with contingent money for building of vaults for the safe keeping of the money and for other necessary expenses, have neglected to pay into said Bank their third instalment agreeably to the second enacting clause of the Act of incorporation aforesaid, to which this is in addition:

Time extended for paying instalments.]

SECT 2. *Be it further enacted, That all the original Stockholders who have not paid into said Bank their instalments agreeably to the requisition of the Act aforesaid, shall have power and authority to do it at any time previous to the first day of June next, any thing in the Act aforesaid to the contrary notwithstanding; and in case they shall neglect and refuse to pay into said Bank their third instalment aforesaid on or before the first day of June next, then, and in such case, their first and second instalments, together with their contingent money, shall become forfeited from and after the said first day of June to the remaining Stockholders, their heirs and assigns who have paid into said Bank their first, second and third instalments, together with their contingent money, in equal proportions to what they severally hold in said Bank, agreeably to the requisition of the Act aforesaid; which said shares forfeited as aforesaid may, after the said first day of June, be filled up and paid into said Bank by the remaining Stockholders, in proportion to what they severally hold as aforesaid; provided they do it on or before the first day of July then next ensuing.*

Penalty for final neglect.

[This Act passed March 1, 1797.]

An ACT altering the Name of *Isaac Davis*, to
Isaac P. Davis.

[This Act passed March 1, 1797.]

An ACT for establishing an Academy in the Town
of *Deerfield* by the Name of *Deerfield Academy*.

[This Act passed March 1, 1797.]

An ACT to incorporate Part of the Plantation called
Waterford, in the County of *York*, into a Town by
the Name of *Waterford*.

[This Act passed March 2, 1797.]

An ACT to divide the Town of *Eastham*, in the
County of *Barnstable*, and to incorporate the south-
erly Part thereof into a Town by the Name of
Orleans.

[This Act passed March 3, 1797.]

An ACT to regulate the going at large of Sheep and
Rams and He-Goats, at certain Seasons of the Year.

Altered as to
Barnstable,
June 21, 1799.

SECT. 1. *BE* it enacted by the Senate and House of Representatives,
in General Court assembled, and by the authority of the
same, That if any owner of any Ram or He-Goat shall suffer
the same to go at large, or be out of his or her inclosure be-
tween the tenth of *August* and the twentieth day of *November*
annually, such owner shall forfeit and pay *Two Dollars* to such
person who shall find and take up such Ram or He-Goat, for
each time he shall be so found at large out of the owner's in-
closure and taken up; and the same may be recovered by ac-
tion of debt, with costs of suit, before any Justice of the Peace
of the county where such Ram or He-Goat shall be so taken
up, or of the county where such owner may dwell; and in
case the owner shall not be known, the person so finding and
taking up any Ram or He-Goat as aforesaid, shall secure and
keep the same, and within twenty-four hours after shall lodge
notice, in writing, by him signed with the Town-Clerk, setting
forth the colour and marks, natural and artificial (if such
there be;) which Clerk shall make a record thereof and post
up or direct the finder to post up the same at some such pub-
lic

Term.
Penalty.

When the
owner is not
known.

Fee to Town-
Clerk.
Case of appli-
cation from
the owner.

Non-appear-
ance of the
owner.

Proviso.

Penalty for
letting sheep
go at large.

Field-Drivers'
duty.

Former laws
repealed.

lic place in said town as the said Clerk shall fix upon ; and for his service herein, shall have *Twenty-Five Cents* paid him by the person lodging said notice. And in case the owner of any Ram or He-Goat so found, taken up and posted, shall, within five days next after such posting, pay or tender to the party so taking up the same, the said forfeiture, such Ram or He-Goat shall be restored to the owner ; but if the owner do not appear and pay or tender as aforesaid within the said five days, such Ram or He-Goat shall be forfeited to the prosecutor ; and if such owner shall be convicted of a second offence, he shall incur the like forfeiture to the prosecutor. *Provided*, That this Act shall not extend or be construed to extend to the island of *Nantucket*, or the county of *Barnstable*, or any part thereof.

SECT. 2. *Be it further enacted*, That if any person shall suffer his or her Sheep to go at large on the common or ways in any town or district without being under the care of a shepherd or keeper, such person shall forfeit and pay for each Sheep so at large and without a keeper, *Five Cents* to the person injured, to be recovered by action on the case, with costs of suit, or the same may be impounded, at his election, and the owner shall not regain them but on the payment of *Five Cents* for each Sheep.

SECT. 3. *And be it further enacted*, That it shall be the duty of the Field-Driver in each town or district when Sheep shall be found so going at large and without a keeper, to impound the same, and when the owner shall appear, to demand *Five Cents* for each Sheep so impounded ; and if no owner appeareth within forty-eight hours, to proceed with them as the law directs respecting stray beasts.

SECT. 4. *And be it further enacted*, That all laws heretofore passed respecting Sheep, Rams and He-Goats are hereby repealed.

[This Act passed *March 7, 1797.*]

An ACT in Addition to, and for repealing a certain Clause in an Act passed *March* the twenty-eighth, in the Year of our LORD One thousand seven hundred and eighty-eight, entitled, " An Act to prevent the Destruction of Alewives, and other Fish, in *Ipswich-River*, and to encourage the Increase of the same."

[This Act passed *March 7, 1797.*]

An ACT to prevent Fraud in Firewood, Bark or June 22, 1799.
Coal exposed to Sale.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all Cord-Wood exposed to sale, shall be four feet long, including half of the carf; and the cord being well and close laid together, shall measure eight feet in length, four feet in width, and four feet in height. Dimensions of Wood.

SECT. 2. *Be it further enacted,* That in each town or district in this Commonwealth where the inhabitants shall, in town-meeting legally assembled, judge and vote the same to be necessary, and wherein Firewood or Bark is usually sold, the Selectmen shall annually, or as occasion may require, appoint one or more suitable persons, and conveniently situated in the town or district, to be Measurers of Wood and Bark there exposed or brought in for sale, and shall give public notice thereof; which Measurer or Measurers shall be sworn to the faithful and diligent discharge of their office, and shall receive such fees or allowance for their service as the Selectmen shall appoint, to be paid by the driver of the Wood or Bark, and repaid by the buyer, where brought in by land, and by the wharfinger where brought in by water, and the Measurer shall be entitled to his action therefor, accordingly. Measurers to be appointed.

SECT. 3. *Be it further enacted,* That if any Firewood or Bark brought by land into any town or district for sale wherein such Measurers shall be so appointed, shall be offered for sale before the same shall be measured by such Measurer and a ticket signed by him and delivered to the driver, certifying the quantity of wood the load contains, the name of the driver, and the town in which he resides, such Wood or Bark shall be forfeited—two thirds to the use of the poor of the town where offered for sale—and the other third part thereof to the Measurer or any other person who shall prosecute for the same: *Provided,* That no person shall be obliged to measure any Firewood or Bark when the quantity shall be agreed on by the buyer and seller. Forfeiture for selling Wood not measured.

SECT. 4. *Be it further enacted,* That if any wharfinger or carter shall cart or carry any Firewood from any wharf or landing-place in any town or district (except for the use and consumption of such wharfinger or carter) before the same shall have been measured by some Measurer appointed as aforesaid he shall forfeit and pay *One Dollar* for every load of Wood so carried off,—one moiety thereof to the use of the poor of the town where the offence shall be committed—and the other moiety to any person who shall prosecute for the same. Penalty for carting un-measured Wood.

SECT. 5. *Be it further enacted,* That all baskets used in measuring Charcoal brought into any town or district for sale, shall contain two bushels, and be of the following dimensions,

Dimensions of
Charcoal-Bas-
kets.

to wit : nineteen inches in breadth in every part thereof, and seventeen inches and a half deep, measuring from the top of the basket to the highest part of the bottom ; and that the basket be well heaped, and also be sealed by the sealer of the town or district where the person so using the same shall usually inhabit or reside ; and every person who shall measure the Charcoal offered for sale in any basket of less dimensions or not sealed as aforesaid, shall forfeit and pay for each offence *Fifty Cents*, to the uses mentioned in the fourth section aforesaid ; and such basket shall be destroyed.

Selectmen may
appoint a per-
son to examine
Coal-Baskets.

SECT. 6. *Be it further enacted*, That the Selectmen of any town where Coal is usually sold, shall have power to appoint, as occasion may require, some suitable person to seize and secure all baskets improved for measuring Coal that shall not be of the dimensions aforesaid, and sealed as aforesaid ; and to prosecute such person or persons as shall be guilty of a breach of this Act. *Provided*, That no person shall be obliged to measure Charcoal when the quantity shall be agreed on by the buyer and seller.

Proviso.

Forfeitures,
how recover-
able.

SECT. 7. *Be it further enacted*, That all the forfeitures aforesaid, may be recovered, with costs of suit, by action, bill, plaint or information before any Court proper to try the same.

Former Acts
repealed.

SECT. 8. *Be it further enacted*, That this Act shall take effect and be in force on and after the first day of *December* next, and that five Acts relating to the subject-matter of this Act, once passed *Anno Domini* seventeen hundred and five ; another, *Anno Domini* seventeen hundred and ten ; another, *Anno Domini* seventeen hundred and fifty-nine, and continued to the first day of *November* next ; another passed *Anno Domini* seventeen hundred and seventy-two, and another the eighth day of *October* *Anno Domini* seventeen hundred and seventy-nine and continued in force, shall, on and after the said first day of *December*, be repealed and cease to operate ; except the two clauses in said Acts, passed *Anno Domini* seventeen hundred and fifty-nine and seventeen hundred and seventy-two, which clauses relate only to the town of *Boston* ; and except the said Acts shall remain in force for the recovery of all forfeitures that shall accrue under the same before that time.

[This Act passed *March 7, 1797.*]

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *Eastern-River*, in *Dresden*, in the County of *Lincoln*, at or near *Call's-Ferry*, and for supporting the same.

[This Act passed *March 7, 1797.*]

An ACT to make perpetual sundry temporary Acts.

Repealed as to
Middleborough
and Rochester,
June 22, 1797.

Preamble.

WHEREAS sundry Acts have been passed in the late Province, State, and now Commonwealth of *Massachusetts*, and continued in force from time to time to the first day of *November* next, and other periods; and the same Acts from experience have been found necessary and beneficial: Therefore,

SECT. I. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the following Acts and Laws, and every clause thereof, be and the same are hereby made perpetual, and shall remain in force until the same shall be respectively repealed by the Legislature of this Commonwealth, to wit: An Act passed in

the year of our Lord seventeen hundred and eighty-one, entitled, "An Act to prevent damage being done on the meadows lying in the township of *Yarmouth*, called *Nobscoffett-Meadow*, and a small commonage of land, and beaches thereto adjoining:" an Act passed in the year of our Lord one thou-

To prevent
damage on *Nob-*
scoffett Meadow.

sand seven hundred and eighty-three, entitled, "An Act for preventing the unnecessary destruction of Shad, Alewives, and other fish, in *Calhance* and *Abagadesset-Rivers*, in the town of *Bowdoinham*:" also an Act made in the year of our Lord one

Fish in *Calhance*
and *Abagadesset-*
Rivers.

thousand seven hundred and fifty-seven, entitled, "An Act to prevent damage being done unto *Billingsgate-Bay*, in the town of *Eastham*, by cattle and horse-kind and sheep feeding on the beach and lands adjoining thereto:" also an Act made in the

To prevent
damage to *Bill-*
lingsgate-Bay.

year of our Lord one thousand seven hundred and forty-six, entitled, "An Act to prevent damage being done unto *Noffet-Meadow*, by cattle and horse-kind feeding on the beach adjoining thereto:" also an Act made in the year of our Lord

— *Noffet-*
Meadow.

one thousand seven hundred and forty-nine, entitled, "An Act to prevent damage being done on the beach in *Biddeford*, and meadows adjoining said beach, commonly known by the name of *Winter-Harbour-Beach*:" also an Act made in the year of

— *Winter-*
Harbour-Beach.

our Lord one thousand seven hundred and fifty-three, entitled, "An Act to prevent cattle and horses running at large and feeding on the beaches and meadows below the banks in the

— meadows in
Truro.

town of *Truro*, from the house of *Joshua Atkins* to *Bound-Brook*, and also in the common meadow at and about *Pamit-Harbour* and *River*, as far up as the wading-place by *John Lumbar's*:" also an Act made in the year of our Lord one

— *Billingsgate-*
Bay.

thousand seven hundred and fifty-eight, entitled, "An Act for altering a clause in an Act made in the thirteenth year of his present Majesty's reign, entitled, "An Act to prevent

damage being done on the *Billingsgate-Bay*, in the town of *Eastham*, by cattle and horse-kind and sheep feeding on the beach and islands adjoining thereto:" also an Act made in the year of our Lord one thousand seven hundred and fifty-seven, en-

titled,

To prevent
damage to
meadows and
beaches in
Barnstable.
— in *Wells*.

— in *Harwich*.

— in *Harwich*,
additional Act.

— mischief by
dogs on the isl-
and of *Nan-*
tucket,
— in woods in
Plymouth, Sand-
wich, Barnstable
&c.

Regulating
meetings in
Danvers.

Moose & deer
on *Tarpaulin-*
Cove-Island and
Nenemisset-
Island.

To prevent
damage by
fire in *Boston*
& *Charlestown*.

Fish passing
Monatiquot-
River, in
Braintree.

Addit. Act
regarding fires
in *Boston*.

Enabling Col-
lectors to sue
for taxes.

Destruction of
Alewives at
Middleborough
prevented.

titled, "An Act to prevent damage being done on the meadows and beaches lying in the township of *Barnstable*, on the south side of the harbour contiguous to the common field in said town : " also an Act made in the same year, entitled, "An Act to prevent neat cattle, horses and sheep running at large and feeding on the beaches between *Wells* and *Ogunquit-Harbour*, in the town of *Wells*, and to prevent the mowing of the same : " also, an Act made in the year of our Lord one thou-

sand seven hundred and sixty-one, entitled, "An Act to prevent damage being done on the meadows and beaches lying in and adjoining on the north side of the town of *Harwich*, between *Skeket-Harbour* on the east, and *Quivet-Harbour* on the west : " also an Act made in the same year, entitled, "An Act in addition to an Act made and passed this present year, entitled, "An Act to prevent damage being done on the meadows and beaches lying in and adjoining to the north side of the town of *Harwich*, between *Skeket-Harbour* on the east, and *Quivet-Harbour* on the west : " also an Act made in the year

of our Lord one thousand seven hundred and forty-three, entitled, "An Act for preventing mischief by unruly dogs on the island of *Nantucket* : " also an Act made in the year of our Lord one thousand seven hundred and sixty-five, entitled, "An Act to prevent damage being done in the woods in *Plymouth, Sandwich, Barnstable, Falmouth* and *Wareham*, by hunting with hounds and dogs : " also an Act made in the year of our Lord

one thousand seven hundred and seventy-two, entitled, "An Act for regulating town-meetings in the town of *Danvers* : " also an Act made in the year of our Lord one thousand seven hundred and sixty-five, entitled, "An Act for the preservation and increase of Moose and Deer on *Tarpaulin-Cove-Island* and *Nenemisset-Island*, lying and being in the county of *Dukes'-County* : " also an Act made in the year of our Lord one thousand seven hundred and forty-eight, entitled, "An Act to prevent damage by fire in the towns of *Boston* and *Charlestown* : "

also an Act made in the year of our Lord one thousand seven hundred and forty-nine, entitled, "An Act to prevent any person's obstructing the fish in the passing up into *Monatiquot-River*, within the town of *Braintree* : " also an Act made in the year of our Lord one thousand seven hundred and sixty-

two, entitled, "An Act in addition to the several Acts made to prevent damage by fire in the town of *Boston* : " also an Act made in the year of our Lord one thousand seven hundred and sixty-four, entitled, "An Act to enable the Collectors of Taxes in the town of *Boston* to sue for and recover the rates and taxes, given them to collect, in certain cases : " also an Act made

in the year of our Lord one thousand seven hundred and sixty-four, entitled, "An Act in addition to the Act, entitled, "An Act to prevent the unnecessary destruction of Alewives in the town of *Middleborough* : " also an Act made in the year

of our Lord one thousand seven hundred and seventy-one, entitled, "An Act to prevent the taking of the fish called Bas, in the river *Parker*, in the town of *Newbury*, in a certain season of the year:" also an Act made in the year of our Lord one thousand seven hundred and seventy-three, entitled, "An Act to empower the inhabitants of the town of *Rochester*, in the county of *Plymouth*, to regulate the taking of fish within the harbour and cove of the said township:" also an Act made in the year of our Lord one thousand seven hundred and sixty, entitled, "An Act to prevent damage being done on a beach at *Monument-Ponds*, in the township of *Plymouth*, lying between the lands of the late *Thomas Clark* and *Joseph Bartlett*, deceased, and on a certain tract of marshy ground lying under water there:" also an Act made in the year of our Lord one thousand seven hundred and forty-six, entitled, "An Act to prevent the destruction of the meadow called *Sandy-Neck-Meadow*, in *Barnstable*, and for the better preservation of the harbour there:" also an Act made in the year of our Lord one thousand seven hundred and fifty, entitled, "An Act providing for the support of Ministers in new plantations:" also an Act made in the year of our Lord one thousand seven hundred and fifty-five, entitled, "An Act to prevent damage being done on the beach, hummocks and meadows belonging to the town of *Scituate*, lying between the southerly end of the *Third-Cliff* (so called) and the mouth of the *North-River*:" also an Act made in the year of our Lord one thousand seven hundred and seventy-two, entitled, "An Act to prevent the destruction of oysters in *Charles* and *Mysick-Rivers*:" also an Act made in the year of our Lord one thousand seven hundred and forty-one, entitled, "An Act for the better regulating porters employed within the town of *Boston*:" also an Act made in the year of our Lord one thousand seven hundred and forty-eight, entitled, "An Act to prevent damage being done on the beach and meadows in *Plymouth*, adjoining to said beach, commonly known by the name of *Plymouth-Beach*:" also an Act made in the year of our Lord one thousand seven hundred and sixty-five, entitled, "An Act for the preservation of the beach and harbour in the town of *Plymouth*:" also an Act made in the year of our Lord one thousand seven hundred and seventy-three, entitled, "An Act for regulating lamps already set up or that may hereafter be set up for enlightening the streets, lanes, alleys or passage-ways in the town of *Boston*, and to prevent the breaking or otherways damnifying the same, and also establishing the method for paying the expenses that may arise in supporting and maintaining said lamps:" also an Act made in the year of our Lord one thousand seven hundred and sixty-three, entitled, "An Act to exempt the people called Quakers from the penalty of the law for non-attendance on military musters:" also an Act made in the year of our Lord one thousand

To prevent taking of Bas in river *Parker*, in *Newbury*.

Fish at *Rochester*. Repealed June 22, 1797.

To prevent damage on *Monument-Ponds-Beach*.

— *Sandy-Neck-Meadow*, in *Barnstable*.

Support of Ministers.

To prevent damage on *Scituate-Beach*, &c.

— oysters in *Charles* and *Mysick-Rivers*.

Porters in *Boston* regulated.

To prevent damage on *Plymouth-Beach*.

Beach and harbour in *Plymouth*.

Lamps regulated in *Boston*.

Quakers exempted from military duty.

First parish in
Salem empow-
ered to raise
money.

Stealing sheep
from *Martha's-
Vineyard*.

Wood and
timber in *Ips-
wich* and *Wen-
bam*.

Beaches near
Tisbury and
Chilmark.

To prevent
damage on
Bound-Beach
and *Griffith's-
Islands*.
Salt-Meadow,
in *Tisbury* and
Chilmark.

To prevent
Cattle's going
at large on
*Chapequiddick-
Island*.

Alewives at
Middleborough :
Repealed June
22, 1797.

Alewives at
Andover.

Beaches in
Truro.

East precinct in
Salem empow-
ered to raise
money.

land seven hundred and fifty-one, entitled, "An Act to empower the proprietors of the Meeting-House in the first parish in *Salem*, where the Rev. Mr. *John Sparhawk* now officiates, to raise money for defraying the ministerial and other necessary charges:" also an Act made in the year of our Lord one thousand seven hundred and sixty-one, entitled, "An Act for the preventing the stealing and clandestinely conveying sheep away from the island of *Martha's-Vineyard*, in *Dukes'-County*:" also an Act made in the year of our Lord one thousand seven hundred and fifty-four, entitled, "An Act for securing the growth and increase of a certain parcel of wood and timber in the townships of *Ipswich* and *Wenbam*, in the county of *Essex*:" also an Act made in the year of our Lord one thousand seven hundred and sixty-seven, entitled, "An Act to prevent damage being done on the meadows and beaches lying in and adjoining on the south side of the towns of *Tisbury* and *Chilmark*, in the county of *Dukes'-County*, between the lands of *Matthew Mayberow*, Esquire, on the west, and the creek of water that divides the land of *Thomas Waldron* from the beach on the east:" also an Act made in the year of our Lord one thousand seven hundred and sixty-eight, entitled, "An Act to prevent damage being done on *Bound-Beach-Island* and *Griffith's-Islands*, within the district of *Wellsfleet*, by cattle, horse-kind and sheep:" also an Act made in the year of our Lord one thousand seven hundred and sixty-eight, entitled, "An Act to prevent the destruction of the *Salt-Meadow*, lying in the towns of *Tisbury* and *Chilmark*:" also an Act made Anno Domini one thousand seven hundred and seventy-four, entitled, "An Act to prevent neat cattle, horses, sheep, goats and swine from going at large upon the island of *Chapequiddick*, at certain seasons of the year, and for preventing other trespasses being done on any of the Indian lands on said island for the future:" also an Act made in the year of our Lord one thousand seven hundred and forty-nine, entitled, "An Act to prevent the unnecessary destruction of Alewives in the town of *Middleborough*:" also an Act made in the year of our Lord one thousand seven hundred and eighty-one, entitled, "An Act to provide more effectually for the preservation of the fish called Alewives, in the streams running into *Merrimack-River*, within the town of *Andover*:" also an Act made in the year of our Lord one thousand seven hundred and forty-four, entitled, "An Act to prevent neat cattle and horses running and feeding on the beaches adjoining to *Eastern-Harbour-Meadows*, in the town of *Truro*:" also an Act made in the year of our Lord one thousand seven hundred and sixty-nine, entitled, "An Act to empower the east precinct in *Salem*, where the Rev. *James Dimond* now officiates, to raise money for defraying ministerial and other charges of said precinct:" also an Act made in the year of our Lord one thousand seven hundred and seventy-nine, entitled, "An Act

in addition to an Act for the preservation and increase of Moose & deer on *Tarpaulin-Cove-Island* and *Nenemesset-Islands*, lying and being in the county of *Dukes'-County*:" also an Act made in the year of our Lord one thousand seven hundred and ninety-three, entitled, "An Act for securing the growth of wood and timber in a certain tract of woodland, situated in the towns of *Ipswich*, *Wenham*, *Beverly* and *Manchester*:" also an Act made in the year of our Lord one thousand seven hundred and eighty-seven, entitled, "An Act to prevent the destruction of oysters and all other shell-fish lying within the harbours, rivers and bays within the limits of the towns of *Sandwich*, in the county of *Barnstable*, and *Wareham*, in the county of *Plymouth*, and the towns of *Dartmouth* and *Westport*, in the county of *Bristol*:" also an Act made in the year of our Lord one thousand seven hundred and eighty-eight, entitled, "An Act for the better regulation of the Indian, Mulatto and Negro proprietors in *Marshpee*, in the county of *Barnstable*:" also an Act made in the year of our Lord one thousand seven hundred and seventy-one, entitled, "An Act to prevent damage being done to the proprietors of the meadow, upland and beach called *Great and Little-Scepuisset*, in the town of *Falmouth*, in the county of *Barnstable*:" also an Act made in the year of our Lord one thousand seven hundred and seventy-three, entitled, "An Act for regulating the Alewife-fishery in the town of *Halifax*, in the county of *Plymouth*:" also an Act made in the year of our Lord one thousand seven hundred and eighty, entitled, "An Act in addition to an Act, entitled, "An Act in further addition to and explanation of an Act in addition to an Act for erecting a powder-house in *Boston*."

Moose & deer on *Tarpaulin-Cove* and *Nenemesset-Islands*.

Wood and timber in *Ipswich*, *Wenham*, *Beverly* and *Manchester*.

Oysters at *Barnstable* and *Wareham*, &c.

Indian, Mulatto and Negro proprietors in *Marshpee*.

Great and Little Scepuisset-Meadows, &c.

Alewife fishery at *Halifax* regulated.

Powder-house in *Boston*.

[This Act passed March 7, 1797.]

An ACT for the Amendment of an Act, entitled, "An Act for regulating Swine," made and passed on the thirteenth Day of *February*, in the Year of our LORD One thousand seven hundred and eighty-nine.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That no person shall suffer his Swine to go at large, under a vote of any town, without incurring the forfeiture therein provided, unless such Swine be sufficiently yoked at all times when permitted to go at large, as aforesaid, between the fifteenth day of *March* and the first day of *December* annually, any thing in the aforesaid Act to the contrary notwithstanding.

Swine going at large, to be yoked.

[This Act passed March 7, 1797]

An

An ACT for the Limitation of Actions against Sheriffs for the Misconduct and Negligence of their Deputies.

Actions must
be commenced
within 4 years.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all actions against Sheriffs for the misconduct and negligence of their deputies, shall be commenced and sued within four years next after the cause of action.

[This Act passed March 8, 1797.]

An ACT for establishing a Turnpike-Gate over *Hoosuck-Mountain.*

[This Act passed March 8, 1797.]

Feb. 19, 1794. An ACT to cede to the United States the Jurisdiction of the remaining Part of the Island of *Seguin.*

Preamble.

WHEREAS it has been found that the land heretofore ceded to the United States on the island of *Seguin*, for the accommodation of a Light-House, and on which one has been erected, does not embrace all the objects to be desired, and which have been found necessary and convenient :

Remaining
part of *Seguin*
ceded.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the remaining part of the said island of Seguin, in the Commonwealth of Massachusetts, containing about ten acres, be ceded to the United States, and during the continuance of the use and appropriation aforesaid, the jurisdiction of the whole of said Island : Saving and provided always, That all civil and criminal processes issued under the authority or by any officer of this Commonwealth, shall have full force and effect within the limits of said island, and any building which shall be there erected, this cession of jurisdiction notwithstanding.

Proviso.

[This Act passed March 8, 1797.]

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *Eastern-River*, near *Lithgow's-Mills*, in the Town of *Dresden.*

[This Act passed March 8, 1797.]

An

An ACT to incorporate *Solomon Vose*, and others, Proprietors of an Aqueduct in *Northfield*.

[This Act passed March 9, 1797.]

An ACT to incorporate *William Gray, jun.* and others, for the Purpose of bringing fresh Water into the Towns of *Salem* and *Danvers*, by subterraneous Pipes.

[This Act passed March 9, 1797.]

An ACT to incorporate several Tracts or Grants of Land situate in the County of *Cumberland*, into a Town by the Name of *Norway*.

[This Act passed March 9, 1797.]

An ACT establishing the *Third Massachusetts Turnpike Corporation*.

Addit. Act,
June 17, 1797.

[This Act passed March 9, 1797.]

An ACT to incorporate certain Persons Trustees to manage the Funds subscribed for the permanent Support of the Ministry in the south Parish in *New-Marlborough*.

[This Act passed March 9, 1797.]

An ACT to divide the Town of *Vassalborough*, in the County of *Lincoln*, into two separate and distinct Parishes.

[This Act passed March 10, 1797.]

An ACT for repealing two former Acts relative to Building a Bridge over *Damarascotti-River*, in the County of *Lincoln*, and for incorporating certain Persons for the aforefaid Purpose.

Feb. 11, 1795.
Feb. 13, 1796.

[This Act passed March 10, 1797.]

An ACT for keeping Watches and Wards in Towns,
and for preventing Disorders in Streets and public
Places.

SECT. 1. *BE it enacted by the Senate and House of Representatives,
in General Court assembled, and by the authority of the*

Persons who
are to watch.

same, That all male persons of the age of eighteen years or upwards, being able of body or having estate sufficient to hire, shall, in their respective towns and districts, be liable to watch and ward, either in their own persons, or by some other sufficient person or persons in their room, when duly warned to attend the same in the manner herein after mentioned, except all persons who shall live more than two miles from the place where the Watch or Ward is kept; and except also the Justices of the Peace and the Selectmen of the town or district, and the Sheriff of the County and settled Ministers of the Gospel.

Selectmen and
Justices of the
Peace author-
ized to direct
Watches.

SECT. 2. *Be it further enacted,* That when and so often as a Military Watch shall not be appointed to be kept, the Justices of the Peace (qualified to act) together with the Selectmen of each town and district in this Commonwealth, and in such towns and districts where no Justice of the Peace, so qualified, dwells, the Selectmen alone, shall have power from time to time, to direct and order a suitable Watch or Watches to be kept nightly within such town or district from and after nine o'clock in the evening until sunrise in the morning; and also a Ward to be kept in the day-time and evenings, when they shall think the same Watch or Ward necessary; and to appoint the number of persons whereof the same shall consist, the place or places wherein they shall be kept, and the hour or hours for keeping the same; and to give orders, in writing, accordingly, signed by a major part of such Justices and Selectmen, or Selectmen alone, as the case may be, directed to any Constable or Constables of the town or district, empowering and requiring him or them from time to time to warn such Watch or Ward, and to see that all persons so warned by him or them do attend and do their duty in such manner as shall be required; and in the warning thereof, to take care that some able householders or other sufficient persons be joined in each Watch or Ward. And such Constable or Constables shall charge the Watch to see that all disturbances and disorders in the night be prevented and suppressed; and to examine all persons whom they shall see walking abroad in the night after ten o'clock, and whom they shall have reason to suspect of any unlawful intention or design, of their business abroad at such season, and whither they are going; and in case they give not reasonable satisfaction therein, then to secure, by imprisonment or otherwise, all such disorderly and suspicious persons, to be safely kept until morning; then to carry them before one of the next Justices of the Peace to be examined,

Duty of such
Watchmen.

ined, and proceeded against, according to the nature of their offences; as is by law directed. And such Watchmen shall walk the rounds in and about the streets, wharves, lanes and principal inhabited parts within such town or district, to prevent any danger by fire, and to see that good order is kept, taking particular observation and inspection of all houses and families of evil fame, and shall strictly observe the charge to be given them as aforesaid. And each Constable when attending Watch or Ward, shall carry with him the usual badge of his office.

SECT. 3. *Be it further enacted*, That in any town wherein the said Justices and Selectmen, or Selectmen alone (as the case may be) shall judge that a Watch may be kept more for the benefit and safety thereof in any other manner than is herein before directed, and the inhabitants thereof shall agree to support the charge of the same; the Justices in the Court of General Sessions of the Peace within the county wherein such town lies, upon application made, are hereby empowered to direct and order the rule for apportioning and levying such sum upon the inhabitants and residents in such town as shall be granted by the town for that purpose, in such manner as they shall judge most equal and just, by poll, estate, or both, to be applied accordingly.

Selectmen, &c.
may vary the
regulations of
the Watch.

SECT. 4. *Be it further enacted*, That whenever a Watch shall be so appointed and agreed upon different from a Constable's Watch, the number and qualifications of the persons whereof it shall consist, shall also be agreed upon by the said inhabitants of the town, observing the rule prescribed in the first section of this Act; and one sober, discreet, able-bodied householder shall be appointed officer of the Watch, by said Justices and Selectmen, or Selectmen alone (as the case may be) to take the charge and command of such Watch, who, as the badge of his office, shall carry a quarter-pike, with a spire on the top thereof; and every Watchman, as well in this as in the Constable's Watch, shall carry a staff with a bill fastened thereon, as is usual. And the powers and duties of the said Officer and Watchmen shall be the same as are before prescribed in the second section of this Act, in the case of a Constable's Watch.

Officer of each
night's Watch,
to be appointed.

Equipments.

SECT. 5. *Be it further enacted*, That if any person liable to watch or ward as aforesaid, being duly warned by the officer of the Watch or Constable, or by other person appointed by such officer or Constable, shall refuse or neglect to appear and attend his duty in that respect, either by himself or some other sufficient person in his stead, and be thereof convicted before a Justice of the Peace, either by the oath of the Constable, officer or other sufficient testimony, on oath, without a just and reasonable excuse to be made and given for the same, he shall forfeit and pay for each offence the sum of *(One Dollar)*, to the use

Penalty for re-
fusing to watch.

use of the poor of the town or district; the same, with costs of prosecution, to be levied by distress and sale of the goods and chattels of such offender, or otherwise be committed to prison until the same shall be paid. And if any Constable or officer of the Watch shall neglect or refuse to observe and perform the orders he shall from time to time receive, he shall forfeit and pay, to the use of said poor, a sum not exceeding *Ten Dollars*, to be levied as aforesaid.

Selectmen to
be attended
when they
walk by night.

SECT. 6. *Be it further enacted*, That when the said Justices of the Peace and Selectmen shall think fit to walk by night to inspect the order of the town wherein they dwell, such of said Constables and Watchmen shall attend them as shall be required to do the same, and obey their lawful commands.

Gaoler's fee for
commitments
under this law.

SECT. 7. *Be it further enacted*, That the fee to the Gaoler for each person taken up in the night and committed to be secured only till the next day, shall be *Twenty-Five Cents* and no more.

Naked scythes
not to be car-
ried.

SECT. 8. *Be it further enacted*, That if any person shall ride with a naked scythe on the highways or through any lanes, streets or alleys, the person so offending shall forfeit and pay for each offence *Two Dollars*.

Public meet-
ings with im-
agery, &c.
prohibited.

SECT. 9. *Be it further enacted*, That if any three or more persons, being any or all of them armed with sticks, clubs or any kind of weapons, or being in any manner disguised, shall assemble together, having any imagery or pageantry as a public shew, in any of the streets or lanes in any town or district in this Commonwealth; or if any person or persons of or belonging to any company, having any kind of imagery or pageantry for a public shew, shall, by menaces or otherwise, exact, require, demand or ask any money or other thing of value, from any person in the streets, lanes or houses in any such town or district, every person being of or assembled with such company, shall for each offence forfeit and pay *Eight Dollars*, or be imprisoned not exceeding one month.

SECT. 10. *Be it further enacted*, That if any persons, to the number of three or more, between sunsetting and sunrising, being assembled together in any of the streets or lanes in any town or district shall have any kind of imagery or pageantry for a public shew, although none of the company so assembled shall be armed or disguised, or exact, demand or ask any money or thing of value, every person being of such company shall forfeit and pay the sum of *Eight Dollars*, or be imprisoned not exceeding one month.

Bonfires inter-
dicted.

SECT. 11. *Be it further enacted*, That if any person or persons shall set fire to any pile or combustible stuff, or be any ways concerned in causing or making a bonfire in any street or lane, or any other part of any town or district within this Commonwealth, such bonfire being within ten rods of any house

house or building, every person so offending, shall for each offence forfeit and pay the sum of *Eight Dollars*, or be imprisoned not exceeding one month. The several fines in the eighth, ninth, tenth and eleventh sections of this Act, shall be recovered, with costs of prosecution,—one moiety of said fines to the use of the poor of the town or district wherein the offence shall be committed—and the other moiety to him or them who shall sue for the same; and all masters are hereby made liable to pay the several fines as aforesaid in this and the two next preceding sections, for the offences of their servants; and all parents for the offences of their children under age and not being servants.

Appropriation
of fines.

SECT. 12. *Be it further enacted*, That the six Acts, the subject-matter whereof is included in this Act, *to wit*: An Act passed *Anno Domini* sixteen hundred and ninety-nine, for keeping Watches in towns; another Act passed *Anno Domini* seventeen hundred and three, to prevent disorders in the night; a clause in an Act passed seventeen hundred and eleven, to prevent riots and disorders in streets in the night; another Act in addition to said Act respecting watches in towns, passed *Anno Domini* seventeen hundred and twelve; another Act passed *Anno Domini* seventeen hundred and twenty-six, to prevent persons from riding with naked scythes; and another Act passed *Anno Domini* seventeen hundred and fifty-two, and continued in force to *November* first, seventeen hundred and ninety-seven, to prevent tumultuous and other assemblies, and bonfires in streets and lanes in towns, be and the same are hereby repealed; except, however, the same shall remain in force, for the purpose of collecting any fines incurred by virtue thereof.

Former Acts
repealed.

[This Act passed *March 10, 1797.*]

An ACT for regulating the taking of Shad, Alewives, and other Fish in *Neponset-River*, and the several Streams from the Ponds called *Punkapog* and *Masapog*.

Feb. 19, 1799.

[This Act passed *March 10, 1797.*]

An ACT to incorporate certain Proprietors of Meadow Lands lying on *Charles'-River*, within the Towns of *Newton*, *Dedham* and *Needham*, for the Purpose of draining off the stagnant Waters, and for the better improving the same.

[This Act passed *March 10, 1797.*]

An

July 11, 1783. An ACT in Addition to an Act, entitled, "An Act for regulating Pilotage in several Ports in this Commonwealth, and for otherways regulating the Pilotage of the Port of *Boston*."

Preamble.

WHEREAS the provisions in said Act made for regulating the Pilotage for the port of *Boston*, have been found insufficient to answer the purposes intended :

Part of a former Act repealed.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That so much of the Act passed on the eleventh day of *July*, one thousand seven hundred and eighty-three, entitled, "An Act for regulating pilotage in several ports in this Commonwealth," as relates to the appointing and regulating of Pilots and pilot-boats for the port of *Boston*, be and is hereby repealed.

Penalty for piloting without authority.

SECT. 2. *Be it further enacted by the authority aforesaid,* That from and after the first day of *April*, one thousand seven hundred and ninety-seven, no person shall undertake to pilot any vessel drawing nine feet of water or more (coasters and fishing vessels excepted) into or out of the harbour of *Boston* without having first obtained a commission or branch, as is herein after provided, under the penalty of *Fifty Dollars* for each offence.

Inward and outward Pilots of *Boston*, to be appointed : Not to interfere with each other, under penalty.

SECT. 3. *Be it further enacted,* That the pilotage of the said harbour of *Boston* shall be formed into two divisions, outward and inward ; and the outward division shall consist of four branches, and the inward division shall consist of three branches. And no person so commissioned as a Pilot, or his deputy, shall undertake to bring in or carry out of said harbour any vessel drawing nine feet of water (coasters and fishing vessels excepted) except in his own particular branch, under penalty of *Fifty Dollars*.

Pilots to be recommended by the Marine Society.

SECT. 4. *Be it further enacted,* That whenever the full number of Pilots before mentioned shall not be commissioned, and any person shall obtain from the Marine Society of *Boston* a certificate, signed by their Clerk, that in their opinion or in the opinion of the major part of the members, at a legal meeting of said Society, he is capable and suitable to undertake the business of the outward or inward pilotage of said harbour of *Boston* ; the Governor, with the advice of Council, may grant to such person a commission or branch, authorizing him to exercise the business of a Pilot for said harbour of *Boston*, in the division for which he shall be so recommended by the said Marine Society, and to employ such deputies as he may find necessary ; and the same may annul whenever the Governor and Council shall have sufficient evidence by certificates from the Marine Society, Chamber of Commerce

or

or otherways, that the said person is rendered incapable or improper to be continued in said business.

SECT. 5. *Be it further enacted*, That every Pilot and deputy appointed as aforesaid, shall, before his entering upon the business of his office, take the following oath or affirmation before some Justice of the Peace, *viz.*

YOU, *A. B.* do swear (or affirm, as the case may be) that you will perform the duties of an inward or outward bound Pilot (as the case may be) for the harbour of *Boston*, according to your best skill and judgment, agreeably to the laws of this Commonwealth. *So help you GOD.*

Form of oath
to be taken.

And each of said Branch-Pilots, of both divisions, shall enter into bonds, with sufficient sureties, to the Treasurer of this Commonwealth, in the sum of *Two Thousand Dollars*, for the faithful discharge of duty both for themselves and every one employed under them: And also that he will give up his commission or branch whenever demanded as aforesaid. And each Pilot, of both divisions, being commissioned and qualified as aforesaid, is hereby empowered and directed by himself or his deputy, to take charge of any vessel drawing nine feet of water and upwards (coasting and fishing vessels excepted) bound into or out of the port aforesaid, and shall pilot such vessel accordingly, first shewing to the master thereof his branch or warrant, and stating to him the amount of his fees.

SECT. 6. *Be it further enacted*, That each branch of the inward pilotage, shall always keep one staunch-decked boat, not less than twelve tons, in good repair and calculated to ply in the bay in all weathers, for the purposes aforesaid, to be furnished with at least three good Pilots, and shall be stationed in some place near the entrance of the harbour, convenient for the purpose aforesaid.

Inward Pilots
to keep a boat.

SECT. 7. *Be it further enacted*, That the Governor, with the advice of Council, be and he hereby is empowered and requested to determine and fix the fees of pilotage of the several Pilots for said harbour of *Boston*, from time to time, having respect to the different risk and hazard of the inward and outward divisions, and according as the circumstances of peace or war and the seasons of the year may severally require, and to specify the same on their respective warrants, and also to transmit to the Custom-House for the port of *Boston* and *Charlestown* a schedule of said fees, to be hung up in that office for public inspection and information.

Governor and
Council to fix
fees of pilotage.

SECT. 8. *Provided nevertheless, and be it further enacted*, That any master of a vessel from a foreign port who may choose to hazard the pilotage of his vessel into the said harbour shall be at liberty so to do, subject however to pay such Pilot as shall first come or offer to come on board his vessel without the Light-House, at the entrance of said harbour, one half pilotage,

Captains refusing a Pilot, to pay half pilotage.

pilotage, according to the fees specified in his warrant: And such Pilot is hereby empowered, on the refusal of the payment thereof, by action on the case, to sue for and recover the same.

Pilots to offer themselves without the Light-House; or may be refused.

SECT. 9. *Be it further enacted*, That any master of a vessel bound into the port aforesaid, whose vessel shall not be boarded or offered to be boarded by a Pilot of the inward division aforesaid until he shall arrive within the Light-House aforesaid, may, if he see fit, be the Pilot of his own vessel into the port aforesaid, without being subject to the payment of any pilotage whatever: And if such master of any vessel shall receive a Pilot within the Light-House aforesaid, he shall not be compelled to pay more than half pilotage, according to the fees specified on the warrant.

Pilots to pay for damaging vessels.

SECT. 10. *Be it further enacted*, That if any vessel, while under the charge and direction of a Branch or Warrant-Pilot or his deputy, of the port aforesaid, shall be lost, cast away or run aground through the unskilfulness or neglect of such Branch or Warrant-Pilot or his deputy; in that case such Branch or Warrant-Pilot shall be liable not only for himself but for his deputy, to pay the just value of the vessel and her cargo or whatever damage may be sustained thereby, to be sued for and recovered by the owner or owners, insurer or insurers thereof, in any Court proper to try the same.

Inward Pilots to secure vessels they bring in.

SECT. 11. *And be it further enacted*, That it shall be the duty of every Pilot or his deputy of the inward division of the port aforesaid, after having brought any vessel into the port aforesaid, to see such vessel properly moored in the stream or secured at the wharf, at the option of the master, within twenty-four hours after the arrival of such vessel.

Hulls of vessels liable for pilotage.

SECT. 12. *And be it further enacted*, That the hull and appurtenances of all vessels so piloted into or out of the harbour aforesaid, shall at all times within the space of sixty days, be liable for the charges of pilotage, agreeably to the terms herein before expressed.

[This Act passed March 10, 1797.]

An ACT to repeal an Act passed the twentieth Day of June, One thousand seven hundred and eighty-eight, entitled, "An Act to prevent the Destruction of Salmon and Shad in *Connecticut-River*."

[This Act passed March 10, 1797.]

An ACT to authorize the Supreme Judicial Court, now sitting in *Boston*, again to convene the Grand-Jury thereof.

[This Act passed March 10, 1797.]

An ACT for the Extinguishment of Fire, and to direct the Proceedings thereat.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That each town in this Commonwealth, in their *March* or *April* meeting annually, wherein the qualified voters shall think it expedient to choose Fire-Wards, shall hereafter have power to elect such number of suitable persons to be Fire-Wards therein as shall be deemed necessary; and each person so elected shall be notified thereof within three days; and shall, within three days after being so notified, enter his acceptance or refusal of the said office with the Town-Clerk. And if any person, being so elected and notified, shall neglect to enter his acceptance or refusal as aforesaid, he shall forfeit and pay *Ten Dollars*, unless excused by the town; and the town shall have power to elect another in his place, in case of such neglect or refusal: And when any fire shall break out in any town, wherein Fire-Wards shall be appointed, they shall immediately attend thereat, and carry with them a suitable staff or badge of their office.

Fire-Wards to be chosen.

Penalty for not serving.

SECT. 2. *Be it further enacted,* That when any fire shall break out in any town, the Fire-Wards thereof who shall be present at the place in immediate danger, or any three of them; and where no Fire-Wards shall be appointed, a major part of the Selectmen present; or in their absence, two or three of the civil officers present; or in their absence, two or three of the chief military officers of said town present, shall have power to direct the pulling down or demolishing any such house or building as they shall judge necessary to be pulled down or demolished in order to prevent the further spreading of the fire: And during the continuance of any fire, the said Fire-Wards or officers, as the case may be, shall have power to require assistance for extinguishing the same, and for removing any furniture, goods or merchandize from any building on fire or in danger thereof, and to appoint guards to secure the same; and also assistance for pulling down or demolishing any house or building, as the case may require; and further to suppress all tumults and disorders. And the said Fire-Wards, Selectmen or officers, as the case may be, shall have authority to direct and appoint the stations and operations of the Engine-Men, with their engines, and of all other persons, for the purpose of extinguishing the fire and preventing its increase; and if any person shall refuse or neglect to obey any order given by said Fire-Wards or Officers in the premises, the person so offending shall forfeit and pay for each offence *Ten Dollars*.

Power of Fire-Wards.

Penalty for non-obedience to Fire-Wards.

SECT. 3. *Be it further enacted,* That if the pulling down or demolishing of any house or building, by the directions aforesaid, shall be the means of stopping the said fire; or if the

Persons whose houses may be pulled down, to be indemnified.

Provisos.

fire stop before it come to the same—then every owner of such house or building shall receive a reasonable compensation and be paid for the same by the inhabitants of the town in which the fire shall happen : And it shall be the duty of the qualified voters in such town, to grant such sum or sums of money as shall be thought necessary and proper by the Selectmen of the same town, and of the Assessors to assess the same : *Provided always,* That when it shall be adjudged fit that the house or building where the fire shall first begin and break out should be pulled down or demolished to prevent the further spreading and increase of the same fire ; then the owner of such house or building shall receive no compensation for the same. *Provided also,* That if any person shall find him or herself aggrieved by the doings of the town, Selectmen or Assessors thereof, in estimating, voting or assessing such sum or sums, he or she shall have a right to appeal and complain to the next Court of General Sessions of the Peace to be holden in the county ; and the said Court thereon shall have power, on a consideration of all the circumstances of the case, to confirm said doings of said town, Selectmen or Assessors, or to alter the same in such manner as the said Court shall judge proper ; and in either case to award legal costs, as the justice of the case may require ; and the Collectors to whom the said assessments shall be committed to collect, shall have the same powers, and be subject to the same duties, as in the collection of other town taxes, as well in collecting an assessment so confirmed or altered, as in cases where-in there shall be no appeal.

Sequestering property at fires, to be deemed Larceny.

[See *Larcenies*, p. 231.]

SECT. 4. *Be it further enacted,* That if any person shall, in such case of fire, plunder, purloin, embezzle, convey away or conceal any furniture, goods or chattels, rights or credits, merchandize or effects of the inhabitants whose houses or buildings shall be on fire or endangered thereby, and said inhabitants shall be put upon removing the same, and shall not restore or give notice thereof to the owner (if known) or to one of the Fire-Wards of the town, or bring them into such public place as shall be assigned by the Selectmen of the town within two days after public notice shall be posted in some public place in the town by the Selectmen thereof for that purpose ; the person or persons so offending, and being thereof convicted, shall be deemed guilty of Larceny, and punished accordingly.

Penalty for erecting a sail or rigging-loft or livery stable, except as the Selectmen shall direct.

SECT. 5. *Be it further enacted,* That if any person shall occupy or improve any tenement or building whatever in any part of any maritime town in this Commonwealth for the business or employment of a sail-maker, or rigger, or keeper of a livery-stable, except only in such parts of the town as the Selectmen thereof, or a major part of them, shall direct and determine, such sail-maker or rigger so offending shall forfeit and pay for each offence *Ten Dollars* ; and such keeper of a livery-stable shall forfeit and pay for each offence *Fifty Dollars* for every

every month so occupying the same, and so in proportion for a longer or shorter time.

SECT. 6. *Be it further enacted*, That the several fines or forfeitures aforesaid, shall be,—two third parts thereof to the use of the poor of the town where the offence shall be committed—and the other third thereof to him or them who shall inform and sue for the same; and shall be recoverable, with costs of suit, in any Court proper to try the same.

Appropriation of fines.

SECT. 7. *Be it further enacted*, That if any person or persons shall wittingly and willingly set fire to any woods or lands lying in common, or to wood-land or other land held in severalty and not his own, within this Commonwealth, without leave first had and obtained from the owners of the land or those who have a right to give the same leave, excepting in cases in which it may become necessary to make back fires to stop the progress or subdue any fire that may be spreading, the person so offending shall forfeit and pay for each offence *Ten Dollars*—one moiety thereof to the use of the Commonwealth, and the other moiety thereof to the use of him or them that shall inform and sue for the same; and shall be liable, in a special action on the case, to pay damages to all persons injured by such fire, including the injury which may be done by any necessary back fire made for the purpose aforesaid. And in case any person under age shall offend against this Act, such penalty shall be recovered of the parent or master respectively, of such person under age, unless it shall appear such person under age was employed or directed by some person other than the parent or master; in which case the person so employing or directing shall be liable therefor; and the fines in this section mentioned, may be recovered in an action of debt, with costs of suit.

Penalty for setting fire to woods, &c.

Parents or masters to be liable for minors.

SECT. 8. *Be it further enacted*, That this Act shall take effect and be in force on and after the first day of *July* next; and that an Act passed *Anno Domini* seventeen hundred and forty-four, for the speedy extinguishment of fire and preserving goods endangered by it; and another Act passed *Anno Domini* seventeen hundred and fifty-three, and continued in force to *November* next, to prevent firing woods; and another Act passed *Anno Domini* seventeen hundred and sixty-two, and continued in force to *November* next, to prevent damage by fire in the maritime towns; and a clause in an Act passed *Anno Domini* sixteen hundred and ninety-two, empowering two or three chief military or civil officers of the town to direct the pulling down or demolishing of houses in certain cases of fire, shall, on and after the said first day of *July* next, be repealed; except the same shall remain in force for the collection of such fines as shall accrue under the same before that time.

Former Acts repealed.

[This Act passed *March 10, 1797.*]

March 8, 1792. An ACT in Addition to an Act, entitled, "An Act providing for the due Observation of the Lord's Day, and repealing the several Laws heretofore made for that Purpose."

Preamble.

WHEREAS in the first, second, third and fifth enacting clauses in the said Act, the several penalties annexed to the several offences therein described, are found to be too low, and not so appropriated as to answer the purposes intended thereby : Therefore,

Penalties increased.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the penalties aforesaid be and the same hereby are increased as follows, *to wit* : The penalties annexed to the offences described in the said first and second enacting clauses, shall be not more than *Six Dollars and Sixty-Six Cents*, nor less than *Four Dollars*, for each offence. And the penalties of *Ten Shillings*, annexed to the offences first mentioned in said third enacting clause, shall be increased to *Three Dollars and Thirty-Three Cents* ; and the said fine in the same clause, not exceeding *Ten Shillings*, nor less than *Five*, shall be not less than *Two Dollars*, nor more than *Four*, for each offence ; and the said fine of *Twenty Shillings*, last mentioned in the same clause, shall be *Six Dollars and Sixty-Six Cents*, for each offence ; and the said fines of *Ten Shillings*, twice mentioned in said fifth enacting clause, shall be, for each offence in each case, *Three Dollars and Thirty-Three Cents*.

Appropriation of fines.

SECT. 2. *Be it further enacted,* That the fines and penalties aforesaid, shall be,—one moiety thereof to the town wherein the offence shall be committed, and the other moiety thereof to any person or persons who shall inform and sue for the same ; to be recovered by a complaint to a Justice of the Peace, with costs of suit, or the said fines may be recovered by presentment of the Grand Jury before the Court of General Sessions of the Peace in the county wherein the offence or offences shall be committed ; and when thus recovered, shall enure to the town wherein the offence shall be committed.

How recoverable.

Hackney-carriages not to drive from Boston on Sundays without special permission.

SECT. 3. *And be it further enacted,* That no owner or driver of any hackney-carriage belonging to the town of *Boston*, shall drive said hackney-carriage into or from said town on the Lord's Day, without first having obtained a certificate of permission from some Justice of the Peace within said town for himself and each and every passenger by him so carried, on the pain and penalty of forfeiting his license for setting up, keeping and driving said hackney-carriage, for the term of three years next after committing such offence.

[This Act passed March 11, 1797.]

An ACT in Explanation of and in Addition to an March 7, 1791. Act, entitled, "An Act for incorporating a certain Part of the Town of *Lee* into a School District by the Name of *The Hopland School District*."

[This Act passed *March 11, 1797.*]

An ACT in Addition to an Act passed *March ninth, Seventeen hundred and ninety-two*, entitled, "An Act regulating the taking of the Fish called Alewives, in the several Streams emptying into *Merrimack-River* in the Town of *Andover*."

[This Act passed *March 11, 1797.*]

An ACT to incorporate *Isaac Lane*, and others, for the Purpose of building a Sluice-Way from a Place called *Buxton-Mill-Dam*, to a Place called *Cook's-Ed-dy*, in the Plantation of *Little Falls*.

[This Act passed *March 11, 1797.*]

An ACT for incorporating *Michael Little*, and others, by the Name and Style of *The Proprietors of the Ten Mile Falls Canal*.

[This Act passed *March 11, 1797.*]

An ACT to secure the Town of *Boston* against Damage from Fires.

June 23, 1797.
June 27, 1798.

[This Act passed *March 11, 1797.*]

An ACT in Addition to an Act, entitled, "An Act July 3, 1782. establishing a Supreme Judicial Court within the Commonwealth."

WHEREAS in the practice under the said Act it has Preamble. been found inconvenient, that the records of the proceedings of the Supreme Judicial Court in the distant counties should be kept in the town of *Boston* :

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of August next,*
the

Clerks of Common Pleas to become Clerks of the Supreme Judicial Court.

the Clerks of the Courts of Common Pleas, in their respective counties, excepting those of *Lincoln, Hancock, Washington, Dukes'-County* and *Nantucket*, shall become Clerks of the Supreme Judicial Court, and shall have the keeping of the records of the doings and proceedings of the said Court in their respective counties, and shall do and perform all the services now done and performed by the Clerk of said Court within the town of *Boston*, and receive the same fees for said services as provided in the fee-bill for the Clerks of the Courts of Common Pleas.

SECT. 2. *And be it further enacted*, That it shall be the duty of the said Clerks of the Courts of Common Pleas, in their respective counties, to attend on the Justices of the Supreme Judicial Court, at the term next to be holden therein after the first day of *August* next; and after having given bonds in the same manner as Clerks of the Supreme Judicial Court are by law required to do, for the faithful discharge of their trust, and being sworn to the faithful discharge of the duties of their office (which oath shall be administered by the eldest Justice of said Court present) shall proceed to do and perform all the services now done and performed by the Clerk of said Court within the town of *Boston*. And the Circuit-Clerk of said Court shall continue to discharge that part of the duty heretofore performed by him, and to receive and keep to his own use that part of the Clerk's fees which he has usually so received and kept, and pay over the residue of the Clerk's fees to the other Clerks respectively.

SECT. 3. *And be it further enacted*, That such of the persons now holding the office of Clerk of the Court of Common Pleas, in the respective counties (except in the five counties excepted as aforesaid) as the Justices of the Supreme Judicial Court may consider incompetent, unsuitable or unqualified to discharge the duties of that office, may be by them removed and others appointed in their stead: And that on the death, resignation or removal of any such Clerk in future, the Justices of the Courts of Common Pleas, in their respective counties, may appoint a Clerk, who, after having given bonds as aforesaid, and being sworn to the faithful discharge of the duty of the office by one of the Justices of said Court, shall discharge said duty until the Justices of the Supreme Judicial Court shall have opportunity to fill the vacancy, which they are hereby authorized to do.

SECT. 4. *And be it further enacted*, That the Clerks who shall be appointed by the Justices of the Supreme Judicial Court as aforesaid, shall be the Clerks of the Courts of Common Pleas for the respective counties in which they shall be appointed.

SECT. 5. *And be it further enacted*, That the Clerk of the Court of Common Pleas for the county of *Suffolk*, for the time being, shall

Mode of qualification.

Courts of Common Pleas may appoint Clerks provisionally only.

shall be the Clerk of the Supreme Judicial Court for the counties of *Suffolk* and *Nantucket*; that the Clerk of the Court of Common Pleas for the county of *Barnstable*, for the time being, shall be the Clerk of the Supreme Judicial Court for the counties of *Barnstable* and *Dukes-County*, until such time as shall be otherwise provided for by law.

Clerk of the Common Pleas for *Suffolk*, to be Clerk of the Supreme Court for *Nantucket*.

SECT. 6. *And be it further enacted*, That after the said first day of *August* next, the files and records of the said Supreme Judicial Court, now kept in the office of the Clerk of said Court in the town of *Boston*, shall be removed to and kept in the office of the Clerk of the Court of Common Pleas, by the Clerk of said Court for the time being, within the county of *Suffolk*, who shall have the custody and care of said files and records; and shall forever hereafter be the proper person to make out copies of and certify the same; and to make out any execution which may be necessary to carry into effect any judgment recovered in the Supreme Judicial Court in any county previous to the first day of *August*.

Records to be removed from the office of the present Clerk of the Supreme Court in *Boston*.

SECT. 7. *And be it further enacted*, That there shall be appointed, by the Justices of the Supreme Judicial Court, a suitable person to be Clerk of the Supreme Judicial Court for the counties of *Lincoln*, *Hancock* and *Washington*, to reside and keep the records of said Court at such place within the county of *Lincoln* as the said Court shall direct; which Clerk shall perform all the services, and be entitled to all the fees which are by this Act required of and provided for the Clerks of the Court of Common Pleas, who are by this Act made Clerks of the Supreme Judicial Court,

A Clerk to be appointed for the counties of *Lincoln*, *Hancock* and *Washington*.

And to preserve uniformity in the keeping of the said records:

SECT. 8. *Be it further enacted*, That it shall be the duty of the Circuit-Clerk from time to time to give such directions to the Clerks for the respective counties as he may judge necessary to effect that object, subject at all times to the same control which the Justices of the Supreme Judicial Court now exercise relative thereto.

Circuit-Clerk to give all necessary directions to other Clerks.

[This Act passed *March 11, 1797*.]

An ACT to alter the Name of the Town of *Harrington*, in the County of *Lincoln*, and to designate the Parishes in said Town.

[This Act passed *June 9, 1797*.]

An ACT to change the Name of *James Cody*, to the Name of *James Cody Apthorp*.

[This Act passed *June 9, 1797*.]

An ACT to prevent the Destruction of the Eel Fishery in the Town of *Orleans*, in the County of *Barnstable*, and to preserve and regulate the same in the several Coves and Salt-Ponds within the said Town.

[This Act passed June 17, 1797.]

An ACT to incorporate Plantation *Number Five*, west of *Machias*, in the County of *Washington*, into a Town by the Name of *Harrington*.

[This Act passed June 17, 1797.]

An ACT in Addition to an Act, entitled, "An Act to incorporate the Congregational Society in the Town of *Norton*, into a distinct Parish, and also to incorporate a Committee of the said Society for certain Purposes, passed *March* fourth, One thousand seven hundred and eighty-three."

[This Act passed June 17, 1797.]

An ACT for establishing the Rates of Toll at the *Patucket-Canal*, and for other Purposes.

[This Act passed June 17, 1797.]

An ACT to prevent the catching Fish with Seines in *Fresh-Pond* (so called) in the Towns of *Cambridge* and *Watertown*.

[This Act passed June 17, 1797.]

March 9, 1797. An ACT in Addition to an Act, entitled, "An Act establishing the *Third Massachusetts Turnpike Corporation*."

[This Act passed June 17, 1797.]

Nov. 11, 1784. An ACT to erect *Derby-School* in the north Parish in *Hingham*, into an Academy by the name of *Derby-Academy*.

[This Act passed June 17, 1797.]

An

An ACT to incorporate the *South Eleven Thousand Acres* (so called) in the County of *Berkshire*, into a District by the Name of *Southfield*.

[This Act passed June 19, 1797.]

An ACT to incorporate a Number of Inhabitants of *Woolwich* and *Bowdoinham*, in the County of *Lincoln*, into a Society by the Name of *The Baptist Society in Woolwich and Bowdoinham*.

[This Act passed June 20, 1797.]

An ACT for incorporating a Number of the Inhabitants of *North-Yarmouth* and *Freeport*, in the County of *Cumberland*, into a distinct and separate religious Society by the Name of *The Baptist Religious Society in North-Yarmouth and Freeport*.

[This Act passed June 20, 1797.]

An ACT in Addition to an Act, entitled, "An Act in Addition to an Act, entitled, "An Act for regulating Pilotage in several Ports in this Commonwealth, and for otherways regulating the Pilotage of the Port of *Boston*." Mar. 10, 1797.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the penalties incurred by any breach of said Act, may be recovered in an action of debt, to be brought in any Court proper to try the same, by any person who shall first sue for the recovery thereof, to his own use.

Penalties, how recoverable.

[This Act passed June 21, 1797.]

An ACT to enable the Treasurer of this Commonwealth, and the Treasurers of Counties, Towns, and other Corporations for the Time being, to commence and prosecute Suits at Law, upon Securities given to their Predecessors.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Treasurer of this Commonwealth, the Treasurers of counties,

Treasurers
authorized
to prosecute.

ties, towns, parishes, and other corporations for the time being, be and hereby are authorized and empowered, in their own names and capacities, respectively, to commence and prosecute to final judgment and execution, any suit or suits at law, upon any bonds, notes or other securities which have been or shall be given to them or their predecessors in said capacity; and to prosecute to final judgment and execution, any suits which have been or shall be commenced by their said predecessors in said capacity, during their continuance in office, and pending at the time of their removal therefrom.

[This Act passed June 22, 1797.]

7th March.

An ACT for repealing certain Parts of an Act made in the present Year, entitled, "An Act to make perpetual sundry temporary Acts."

Alewives in
Middleborough.

Fish in Roches-
ter harbour.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That those parts of said Act which perpetuate a certain Act made in the year of our Lord one thousand seven hundred and forty-nine, entitled, "An Act to prevent the unnecessary destruction of Alewives in the town of Middleborough:" and an Act passed in the Year of our Lord one thousand seven hundred and seventy-three, entitled, "An Act to empower the inhabitants of the town of Rochester, in the county of Plymouth, to regulate the taking of fish within the harbour and cove of the said township," be and they are hereby repealed.

[This Act passed June 22, 1797.]

An ACT to prevent the spreading of contagious Sickncfs.

Selectmen to
remove and
accommodate
persons sick
with conta-
gious distem-
pers.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That for the better preventing the spreading of infection, when it shall happen that any person or persons coming from abroad, or belonging to any town or place within this State, shall be visited, or shall lately before have been visited with the plague, small-pox, pestilential or malignant fever, or other contagious sickness, the infection whereof may probably be communicated to others; the Selectmen of the town where such person or persons may arrive or be, are hereby empowered to take care and make effectual provision in the best way they can, for the preservation of the inhabitants, by removing such sick or infected person or persons, and placing him or them in a separate house or houses, and by providing nurses, attendance, and other assistance and necessaries for them; which*
nurses,

nurses, attendance, and other assistance and necessities, shall be at the charge of the parties themselves, their parents or masters (if able) or otherwise at the charge of the town or place whereto they belong ; and in case such person or persons are not inhabitants of any town or place within this State, then at the charge of the Commonwealth.

SECT. 2. *And be it further enacted,* That any person or persons coming from any place out of this State, where the small-pox or other malignant distemper is prevailing, into any town within this State, shall, when thereto required by the Selectmen of such town, within the space of two hours from the time they shall be first informed of their duty by law in this particular, give notice to one or more of the Selectmen, or the Clerk of such town, of their coming there, and of the place from whence they came, upon pain of forfeiting, in case of neglect, the sum of *One Hundred Dollars*. And such person or persons, if not disabled by sickness, shall, within the space of two hours after warning given to him or them by the Selectmen of such town for that purpose, depart from this State in such manner, and by such road, as the said Selectmen shall direct ; and in case of refusal, it shall be lawful for any Justice of the Peace in the county where such town may lie, by warrant directed to a Constable or other proper officer, or other person whom the Justice shall judge proper, to cause such person or persons to be removed into the State from whence he or they may have come. And any person removed by warrant as aforesaid, who, during the prevalence of such distemper, shall presume to return into any town of this State without liberty first obtained from such Justice, shall forfeit and pay the sum of *Four Hundred Dollars* ; and any inhabitant of this State who shall entertain in his house any person warned to depart as aforesaid, for the space of two hours after notice given him of such warning by one or more of the Selectmen aforesaid, shall forfeit and pay the sum of *Two Hundred Dollars*.

Persons arriving from places infected, to inform Selectmen.

Such persons shall depart, if so directed by the Selectmen.

Penalty for returning, without previous permission.

----- for retaining persons warned to depart.

Persons may be appointed to attend at ferries, &c.

SECT. 3. *And be it further enacted,* That it shall and may be lawful for the Selectmen of any town near to, or bordering upon either of the neighbouring States, to appoint, by writing, under their hands, some meet person or persons to attend at ferries or other places by or over which passengers may pass from such infected places ; which person or persons so appointed, shall have power to examine such passengers as they may suspect to bring infection with them, and, if need be, to hinder and restrain them from travelling, until licensed there-to by a Justice of the Peace within such county, or by the Selectmen of the town in which such person or persons may come ; and any passenger who, coming from such infected place, shall (without license as aforesaid) presume to travel within this State, unless it be to return by the most direct way to the State from whence he came, after he shall be cautioned to depart

Their power.

part by the person or persons appointed as aforesaid, shall forfeit and pay the sum of *One Hundred Dollars*; the several forfeitures aforesaid to be recovered by action of debt in any Court of Record proper to try the same,—one moiety to and for the use of the town where the offence shall be committed—the other moiety to the use of the person who may sue for the same.

Sheriffs, &c.
may be requir-
ed to remove
infected per-
sons, or take up
houses, &c.

SECT. 4. *And be it further enacted*, That if need be, any two Justices of the Peace may make out a warrant directed to the Sheriff of the county or his deputy, or Constables of the town or place where any such sick person or persons may be, requiring them or any of them, in the name of the Commonwealth, with the advice and direction of the Selectmen of the same, to remove such infected person or persons, or to impress and take up convenient houses, lodging, nurses, attendance and other necessaries, for the accommodation, safety and relief of the sick. And such Sheriff, his deputy and Constable, are hereby authorized and required to execute such warrant accordingly.

Baggage,
goods, &c. to
be secured, if
infected.

SECT. 5. *And be it further enacted*, That whenever there shall be brought into any town within this State, either from any other town therein, or from parts without the State, any baggage, cloathing or goods of any kind whatsoever, and it shall be made to appear by the Selectmen of the town to which such baggage, cloathing or other goods shall be brought, or by the major part of such Selectmen, to the satisfaction of any Justice of the Peace, that there is just cause to suspect baggage, cloathing or other goods to be infected with the plague, small-pox, pestilential fever, or other malignant contagious distemper; it shall be lawful for such Justice of the Peace, and he is hereby required, in such case, by warrant under his hand and seal directed to the Sheriff or his deputy, or any Constable of the town in which such baggage, cloathing or other goods shall be, requiring him to impress so many men as said Justice shall judge necessary to secure such baggage, cloathing or other goods, and said men to post as a guard and watch over the house or other place or places where such baggage, cloathing or other goods shall be lodged; which Guard and Watch are hereby required to take effectual care to prevent such baggage, cloathing or other goods being removed or intermeddled with by any persons whatsoever until due inquiry be made into the circumstances thereof, requiring likewise the said Sheriff, his deputy or the Constable aforesaid, if it shall appear necessary, with the advice and direction of said Selectmen, to impress and take up convenient houses or stores, for the receiving, lodging and safe keeping of such baggage, cloathing or other goods, until the same shall be sufficiently cleansed from infection: And in case it shall appear highly probable to the said Justice that such baggage, cloathing or other goods are infected

To be guarded.

If necessary, to
be stored till
free from in-
fection:

ed as aforesaid, he is hereby empowered and directed to issue his warrant in manner as aforesaid, requiring said Sheriff, his deputy or any Constable, or other person therein specially named, to remove said baggage, cloathing or other goods, to some convenient place where there shall be the least danger of the infection spreading; there to remain until the same shall be sufficiently aired and freed from infection, in the opinion of said Selectmen: And the said Sheriff, Deputy-Sheriff or Constable, in the execution of said warrants, are empowered and directed, if need be, to break up any house, warehouse, shop or other place particularly mentioned in said warrant, where such baggage, cloathing or other goods shall be; and in case of opposition, to require such aid as shall be necessary to effect the execution of said warrants and repel such opposition; and all persons are hereby required, at the commandment of either of the said officers, having either of the warrants aforesaid, under penalty of *Ten Dollars*, to be recovered before any Justice of the Peace in the county where such opposition may happen, to assist such officer in the execution of the same warrant against any opposition as aforesaid; and the charges of securing such baggage, cloathing or other goods, and of airing and transporting the same, shall be borne and paid by the owners thereof at such rates and prices as shall be set and appointed by the Selectmen of the town where such baggage, cloathing or other goods shall be, to be recovered by action of debt, by any person or persons who may have been employed in the business aforesaid, in any Court of Record proper to try the same.

SECT. 6. *And be it further enacted*, That inquiry shall be made by the officer or other person on duty at the Castle in the harbour of *Boston*, of every vessel coming from sea, and passing by the said Castle, whether any infectious sickness be on board, or has been on board since such vessel left the port from whence she last came: And if any such vessel has any sickness on board, or has had any on board since her leaving such port; in such case, orders shall be given by said officer or other person on duty, to the master or commander of such vessel, immediately to anchor and to remain at anchor until a certificate shall be obtained from the major part of the Selectmen of the town of *Boston*, that they are of opinion such vessel may come up to the town without danger to the inhabitants, or until the said master or commander shall receive orders from the said Selectmen to anchor his vessel near the Hospital on *Rainsford's-Island*, in the harbour of *Boston*. And in case any master or commander of a vessel shall, by himself, or the people on board, make false answer, when inquired of as aforesaid by the officer or other person on duty as aforesaid, or after orders are given as aforesaid, shall neglect or refuse to anchor near the Castle as aforesaid, or come on shore, or suffer any passenger or other person belonging

Or may be removed at a distance.

Warehouses, &c. may be broken up in search of infected baggage &c.

Citizens are to afford assistance if called upon.

Expenses of removal, &c. to be defrayed by the owner.

Inquiry to be made of vessels passing the Castle.

Vessels to be detained if conceived infectious.

Penalty for
falsely answer-
ing at the Cas-
tle.

Goods suppos-
ed free from in-
fection, may be
permitted to be
landed.

Persons land-
ing or holding
communica-
tion with per-
sons on shore,
forbidden till
legally permit-
ted.

belonging to the vessel to come on shore, or any goods to be taken out before the vessel shall have anchored, or without liberty from the Selectmen as aforesaid; or in case any master or commander of a vessel ordered to anchor near the Hospital aforesaid shall neglect or refuse so to do; in every such case, every master or commander so offending shall forfeit and pay for each offence the sum of *Four Hundred Dollars*, or suffer six months' imprisonment.

SECT. 7. *And be it further enacted*, That upon application made to the Selectmen of the town of *Boston* by any master or commander of any vessel at anchor near the Hospital as aforesaid, the said Selectmen are hereby empowered to permit such passengers, goods or lading, as they shall judge free from infection, to come on shore; or to be taken out and disposed of as the owners shall see fit; and such passengers and goods as shall not be permitted as aforesaid, shall remain on board, or be landed on said Island. And if any master or commander of any such vessel, for the time being, shall come on shore, or suffer any of his people or passengers to come on shore, or any boat to come on board, or suffer any goods to be taken out of his vessel, unless permitted as aforesaid, or shall come up to said town with his vessel until by a certificate under the hands of said Selectmen, or the major part of them it shall appear, that said vessel, company and goods are clear of infection, and the orders for stopping the same be removed or taken off, he shall, for every such offence, forfeit the sum of *Two Hundred Dollars*; and in case he be not able to pay that sum, he shall suffer three months' imprisonment. And if any sailors or passengers coming in said vessel shall, without the knowledge or consent of the master or commander, presume to come on shore, or up above the Castle aforesaid; or if any person shall knowingly presume to go on board from shore, or go to the aforesaid House or Island in time of infection there, without leave as aforesaid; or if any person put sick into the said House, or sent there on suspicion of being infected, shall presume to go off the said Island without leave as aforesaid; any person offending in any of the particulars above mentioned, shall forfeit the sum of *Two Hundred Dollars*; and in case such person be not able to pay said forfeiture, he shall suffer two months' imprisonment: All prosecutions for offences contrary to this and the preceding section, shall be by indictment or information in the Supreme Judicial Court or Court of General Sessions of the Peace;—and one moiety of all fines mentioned in said sections, shall be to the use of the town of *Boston*—and the other moiety to the use of the Selectmen of said town for the time being, whose particular duty it is hereby made to prosecute therefor.

SECT. 8. *And be it further enacted*, That whenever any ship or vessel, wherein any infection or infectious sickness hath lately

lately been, shall come to any harbour within this State; or whenever any person or persons belonging to, or that may either by sea or land come into any town or place near the public Hospital aforesaid, shall be visited, or shall lately before have been visited with any infectious sickness; two of the Justices of the Peace, or Selectmen of such place, be and hereby are empowered immediately to order the said vessel and sick persons to the said Hospital, there to be taken care of according to the directions of this Act. And where any such ship, vessel or persons cannot, without great inconvenience and damage, be ordered to the aforesaid Hospital; in any such case, the rules and directions are to be observed which are provided in the first enacting clause of this Act. And in case the master or mariners of any vessel ordered to the Hospital as aforesaid, shall refuse or delay for the space of six hours after such order being given to said master, or either of the owners of said vessel, or of the factors, or either of said owners of the goods, to come to sail, if wind and weather permit, in order to proceed to said Hospital; such master so refusing shall forfeit and pay the sum of *Four Hundred Dollars*; and each mariner so refusing, the sum of *One Hundred Dollars*; and in case they be not able to pay said sums, they shall suffer six months' imprisonment,—one half of said fine to be to the informer—and the other half to the poor of the town or district to which such port or harbour belongs; and to be recovered in any Court of Record proper to try the same, by indictment or information.

Vessels may be ordered to Hospital-Island.

Case of refusal to go to the Hospital.

SECT. 9. *And be it further enacted*, That if any master, seaman or passenger belonging to any vessel, on board which any infection is or may have lately been, or suspected to have been, or which may have come from any port where any infectious, mortal distemper prevails, shall refuse to make answer on oath to such questions as may be asked him or them relating to such infection, by the Selectmen of the town to which such vessel may come (which oath the said Selectmen are hereby empowered to administer) such master, seaman or passenger so refusing, shall forfeit the sum of *Two Hundred Dollars*; and in case he be not able to pay said sum, he shall suffer six months' imprisonment; said penalty to be adjudged on prosecution by indictment on information in any Court proper to try the same,—one moiety of said fine to the use of the town where the offence may be committed—and the other moiety to the use of the Selectmen thereof, whose particular duty it is hereby made to prosecute therefor.

Persons refusing to answer properly when questioned by the Selectmen.

And the Selectmen of *Boston* are hereby authorized and directed to provide nurses, assistance and other necessities, for the comfort and relief of such sick persons as may be sent to said Hospital as aforesaid: The charge thereof to be borne by the said persons themselves, if able; or if poor and unable, by the towns to which they respectively belong; or if not inhabitants of

Nurses, &c. to be provided.

of any particular town or other place within this State, then by the Commonwealth.

Courts may
adjourn from
infectious
towns.

SECT. 10. *And be it further enacted,* That whenever the small-pox or other mortally infectious distemper shall prevail in any of the towns wherein the Supreme Judicial Court of this Commonwealth, the Courts of Common Pleas, or General Sessions of the Peace are to be holden, at the times prescribed by law, or by their own adjournment, for their sitting in such town; the Justices of the said Courts, respectively, are hereby empowered to adjourn and hold said Courts in any town within the same county, by proclamation to be made in the shire town, or as near the same as safety will, in their opinion, permit.

Health-Com-
mittee or Offi-
cer may be
appointed.

SECT. 11. *Be it further enacted,* That each town or district in this Commonwealth may, at their meeting held in *March or April* annually, or at any other meeting legally warned for the purpose, when they shall judge it to be necessary, choose and appoint a Health-Committee, to consist of not less than five, nor more than nine suitable persons, or one person to be a Health-Officer, whose duty it shall be to remove all filth of any kind whatever which shall be found in any of the streets, lanes, wharves, docks, or in any other place whatever within the limits of the town to which such Committee or Health-Officer belongs, whenever such filth shall, in their judgment, endanger the lives or the health of the inhabitants thereof: All the expenses whereof to be paid by the person or persons who placed it there, if known: or if not, by the town by which said Committee or Health-Officer was appointed. And whenever any filth as aforesaid shall be found on private property, said Committee or Health-Officer shall notify and order the owner or occupier thereof, after twenty-four hours' notice, to remove the same, at their own expense; and in case said owner or occupier shall neglect to remove such filth from his or her property, after the expiration of the time aforesaid, he or they so offending shall forfeit and pay a fine of *One Hundred Dollars*, to be sued for and recovered, with costs of suit, by said Committee or Health-Officer, before any Court proper to try the same, for the use of the poor of the town in which such offence is committed: And said owner or occupier as aforesaid shall be liable and obliged to repay to said town all cost and charges which the said Committee or Health-Officer may have incurred in removing the filth from his or her property; and in case of refusal to pay the same, he or they may be sued in the same way as is provided in this Act for the recovery of fines as aforesaid.

Their duty.

Forfeiture.

SECT. 12. *And be it further enacted,* That whenever any vessel shall arrive at any port other than *Boston* within this Commonwealth, having on board any person visited with the plague, small-pox, malignant fever, or any other pestilential disease,

disease, the master, commander or pilot thereof, shall not bring such vessel up near the town of the port where she first arrives, until liberty be first granted, in writing, by the Selectmen thereof; but they may bring such vessel to an anchor, in such place below the town as will be most for the safety of the inhabitants thereof, and the preservation of the vessel and the people on board, there to wait for orders from the Selectmen of such town, before any passenger or person belonging to, or any thing on board the same, be brought on shore: And any master or commander of such vessel who shall be found guilty of a breach of the law contained in this section, shall forfeit and pay a fine of *Two Hundred Dollars* for every such offence, upon conviction thereof before any Court proper to try the same. And any Pilot who may go on board any such vessel and pilot the same up to the town, without liberty first had and obtained from the Selectmen thereof as aforesaid, shall, upon conviction in manner as aforesaid, forfeit and pay a fine of *Fifty Dollars* for every such offence: All which fines contained in this section may be sued for and recovered, with costs of suit, in manner as aforesaid, by the Selectmen of the town where the offence is committed, to and for the use of the same town.

Infectious vessels, how to be disposed of at other towns than *Boston*.

Forfeitures.

SECT. 13. *And be it further enacted*, That a Law of this Commonwealth, made in the year one thousand seven hundred and one, providing in case of sickness; one other Law made in addition thereto in the year one thousand seven hundred and fifty-one; one other Law made in the year one thousand seven hundred and thirty, empowering Courts to adjourn and remove from the towns appointed by law for holding Courts, to other towns, in case of sickness by the small-pox; one other Law made in the year of our Lord one thousand seven hundred and fifty-seven, for regulating the Hospital on *Rainford's-Island*, and further providing in case of sickness; one Law passed the next year, in addition thereto; one other Law made in the year one thousand seven hundred and forty-two, to prevent the spreading of the small-pox, and other infectious sickness, and to prevent the concealing the same, be and they are hereby repealed, except that the same shall remain in force for the purpose of recovering all fines incurred by force thereof.

Previous laws repealed.

[This Act passed *June 22, 1797.*]

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *Deerfield-River* (so called) where *Williams's-Ferry* is now kept, and for supporting the same.

[This Act passed *June 22, 1797.*]

An ACT empowering *Seth Spring* to build a Bridge across the main Branch of *Saco-River*, from *Spring's-Island*, in *Biddeford*, to *Pepperelborough*.

[This Act passed June 22, 1797.]

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *Androscoggin-River*, at *Lewiston*, between *Twenty-Mile-Falls* and the *Ferry-Way*.

[This Act passed June 22, 1797.]

An ACT to incorporate certain Persons by the Name of *The West Congregational Society in Dracut*.

[This Act passed June 22, 1797.]

An ACT for removing Doubts which have arisen in the Construction of an Act passed in the Year of our LORD One thousand seven hundred and eighty-four,* entitled, "An Act describing the Power of Justices of the Peace."

* 11th March.

Power explained.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That every Justice of the Peace, in his county, shall have full power and authority to hear and determine all debts, trespasses, *quare clausum fregit*, and other trespasses and matters not exceeding the value of *Thirteen Dollars and Thirty-Three Cents and a Third*, excepting actions wherein the title to real estate is in question, and shall be specially pleaded by the defendant.

Ad damnum
limited.

SECT. 2. *Be* it further enacted, That the amount of the sum or several sums specified, expressed, or supposed to be demanded by the plaintiff in his declaration, shall not be considered as any objection against the Justice's jurisdiction, provided the *ad damnum*, or damage, is not laid or stated to exceed *Thirteen Dollars Thirty-Three Cents and a Third*.

[This Act passed June 22, 1797.]

An ACT for altering the Boundary Line between the Towns of *Needham* and *Natick*, and for permitting sundry Persons to annex themselves to certain Parishes.

[This Act passed June 22, 1797.]

An

An ACT to exempt the People called Quakers, from paying Taxes for the Support of public Worship.

WHEREAS the Act for exempting persons called Quakers, from paying ministerial taxes, has expired :

Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all such persons as are of the religious sect or denomination of Christians called Quakers, within this Commonwealth, who aliege a scruple of conscience relative to the right of paying taxes, assessed for the support of the settled ministers of churches or religious societies, be and they hereby are exempted from taxation, both for their polls and estates in their own hands and under their actual improvement, in any tax or assessment hereafter made for the raising any monies for the purpose of settling or supporting any such minister or ministers, or for building or repairing any meeting-house or other place for public worship; and are likewise exempted from collecting any taxes, granted for the purpose aforesaid : And to the intent that it may be better known who are to be exempted from taxation as aforesaid by this Act :

Quakers exempted.

SECT. 2. *Be it enacted,* That no person or persons in any town, or district, or precinct, in this Commonwealth, shall hereafter be deemed or taken to be of the religious sect or denomination aforesaid, so as to have his, her or their poll or polls, or any estate to him, her or them belonging, exempted, by virtue of this Act, from paying any such ministerial or other taxes described as aforesaid—other, than such persons whose names shall be contained in a list or lists taken and signed by the Clerk, and two other members of some society of the aforesaid denomination, who shall be chosen by such society for that purpose, who shall therein certify in substance as followeth, *viz.*

WE, the subscribers, being a Committee chosen and appointed by a religious sect or denomination of Christians called Quakers or Friends, to exhibit a list or lists of the names of such persons as belong to said society, do hereby certify, that _____ do belong to said society, and they do frequently and usually, when able, attend with us in our stated meetings for religious worship, and we verily believe are of our religious persuasion.

Mode of obtaining exemption.

Which certificate so signed, the said Committee shall cause to be delivered to the town, district or precinct Clerk where such person or persons named in such list or lists dwell, or have estates liable to be taxed, on or before the first day of *September* annually; and the Clerk, on receiving such certificate, shall enter the same at large in the town, district or precinct book in his keeping, with the time when the same was delivered to

him ; and shall deliver an attested copy of such certificate, specifying the time when the same was delivered to him, to any person desiring the same, receiving therefor *Twelve and an Half Cents* ; which copy shall be received and taken as evidence on any trial respecting the taxing of the persons whose names are contained in said certificate for any ministerial charge or charges, or for building or repairing any meeting-house or other place for public worship.

Quakers not to
vote in ministerial
affairs.

SECT. 3. *Be it further enacted*, That no person being of the sect or denomination aforesaid, shall be allowed the right of voting in any matter relating to the settlement or support of any minister, or for building or repairing any meeting-house or place for public worship in any town, district or precinct in which he shall be inhabitant at the time of holding the meeting or meetings for such purpose, and who is at the same time exempted from taxes as aforesaid, except at a meeting of the religious society to which he belongs.

Previous assessments where
Quakers are omitted, made
legal.

SECT. 4. *Be it further enacted*, That all taxes or assessments heretofore made for the purpose of settling or supporting any public teacher of piety, religion and morality, or building or repairing any house of public worship wherein the aforesaid denomination of Christians called Quakers have been omitted and not taxed, shall be considered and deemed as legal assessments, such omission notwithstanding : *Provided*, such taxes and assessments are in other respects legal.

[This Act passed June 23, 1797.]

An ACT to incorporate certain Persons by the Name
of *The Second Religious Society in Biddeford*.

[This Act passed June 23, 1797.]

An ACT to incorporate certain Persons, Trustees to
manage the Funds subscribed for the permanent
Support of a Minister of the Congregational De-
nomination in the east Parish in *Granville*, in the
County of *Hampshire*.

[This Act passed June 23, 1797.]

An ACT to incorporate a Number of the Inhabit-
ants of the Town of *Uxbridge*, in the County of
Worcester, into a Society for religious Purposes.

[This Act passed June 23, 1797.]

An ACT to incorporate certain Persons by the Name
of *The First Congregational Society in Dudley.*

[This Act passed June 23, 1797.]

An ACT to incorporate certain Inhabitants of the
Towns of *Freetown, Taunton, and Berkley*, in the
County of *Bristol*, by the Name of *The Baptist Soci-*
ety, composed of Inhabitants of the Towns of *Free-*
town, Taunton and Berkley.

[This Act passed June 23, 1797.]

An ACT for incorporating a Charitable Association
in the middle Parish in the Town of *Granville.*

[This Act passed June 23, 1797.]

An ACT in Addition to an Act, entitled, "An Act *Feb. 27, 1787.*
directing the Method for laying out Highways."

WHEREAS doubts have arisen, whether the Courts of Preamble.
General Sessions of the Peace, in their respective
counties, are authorized by said Act to discontinue Highways;
for the removal whereof :

SECT. 1. *Be it enacted by the Senate and House of Representa-*
tives, in General Court assembled, and by the authority of the same,
That any Court of General Sessions of the Peace, upon petition
or otherwise, may discontinue any Highway or public Road
within the same county, in part or whole, whenever they
shall be fully satisfied that it is not expedient that the same
should be continued any longer.

Courts of Ses-
sions may dis-
continue roads.

SECT. 2. *Be it further enacted,* That all orders and deter-
minations of the several Courts of General Sessions of the Peace
heretofore had and passed, for the discontinuance of any High-
ways or public Road, shall be held and considered as good and
valid, to all intents and purposes, as if said Act to which this
is in addition, had explicitly vested said authority in said Courts.

Proceedings of
those Courts
confirmed.

[This Act passed June 23, 1797.]

An ACT to secure the Town of *Boston* against Dam- *Mar. 11, 1797.*
age from Fires.

[This Act passed June 23, 1797.]

An

An ACT to alter the Times of the Sitting of some
of the Judicial Courts.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, the Court of General Sessions of the Peace and Court of Common Pleas, by law to be holden at Ipswich, in the county of Essex, on the first Tuesday in April,—shall be holden on the second Tuesday of April annually; and the said Courts by law to be holden at Barnstable, in the county of Barnstable, on the first Tuesday of April,—shall be holden on the last Tuesday of March annually; and the said Courts by law to be holden at Cambridge, in the county of Middlesex, on the Monday next preceding the last Tuesday of November,—shall be holden on the third Monday in November annually; any law, usage or custom to the contrary notwithstanding.

[This Act passed June 23, 1797.]

An ACT to ascertain and establish the Dividing Line
between the Town of Dunstable and District of
Tyngsborough, in the County of Middlesex.

[This Act passed January 29, 1798.]

An ACT to incorporate Tobias Lord, Oliver Keating,
Thacher Goddard, and others, for the Purpose of
keeping in repair a Pier at the Mouth of Kennebunk-
River, and to grant them a Duty for reimbursing
the Expence of erecting the same,

[This Act passed February 2, 1798.]

An ACT prescribing the Mode of taking Depositions,
and administering Oaths and Affirmations.

SECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the*

Cases in which
Depositions are
allowable.

same, That when any civil cause shall be pending in any Court, or before any Justice of the Peace in this Commonwealth, and the writ, original summons, or complaint therein shall have been served on the defendant, or be pending before Referees or Arbitrators, and either party in the cause shall think it necessary to have the testimony therein of any person who shall live more than thirty miles from the place of trial by a Court, Jury, Referees or Arbitrators, or shall be bound on a voyage

to

to sea before, or be about to go out of the Commonwealth and not to return in time for the trial ; or shall be so sick, infirm or aged, as not to be able to travel and attend at the trial ; then the Deposition of such person may be taken before any Justice of the Peace not being of counsel or attorney to either party, or interested in the event of the cause : *Provided* notice be given, and proceedings be had, as herein after directed. Provide.

SECT. 2. *Be it further enacted*, That when either party in the cause shall apply to a Justice of the Peace to take such Deposition, he shall give notice to the adverse party, if living within twenty miles of the place of taking the same, in substance as follows, *to wit* :

Notice to be given to adverse party.

To _____ of _____ in the county of _____ [addition]
GREETING.

WHEREAS *A. B.* of _____ in the county of _____ [addition] has requested me to take the Deposition of _____ of _____ in the county of _____ [addition] to be used in an action of _____ pending between you and the said *A. B.* and the house of _____ in _____ and the _____ day of _____ in the year of our Lord _____ at _____ of the clock in the _____ noon are appointed the time and place for the said deponent to testify what he knows relating to the said action ; you are hereby notified that you may then and there be present, and put such interrogatories as you may think fit. Given under my hand and seal, at _____ on the _____ day of _____ in the year of our Lord _____

Justice of the Peace.

And the service of this notification on the said adverse party, or his attorney, by leaving an attested copy thereof at his last and usual place of abode, allowing time for his attendance after being notified, not less than at the rate of one day, Lord's days exclusive, for every twenty miles' travel, and such service being proved by the affidavit of a disinterested witness, or by the return on said notification of the Sheriff or his deputy of the county, or of the Constable of the town where the said adverse party or his attorney shall live, shall be deemed sufficient notice. And when the said adverse party, in any case, shall live more than twenty miles from the place of taking any Deposition, and his or her attorney shall live within that distance, such attorney shall be notified as aforesaid, *mutatis mutandis*. But no person, for the purposes of this Act, shall be considered as the attorney of another, until such attorney shall have endorsed the writ, or endorsed his name on the summons, to be left with the defendant in the cause ; or until he shall have appeared for his principal in the cause, before the Justice of the Peace, Referees or Arbitrators, or in the Court where the said Action shall be pending, or shall have given notice, in writing,

Mode of serving notice.

writing, stating he is Attorney in the cause, to the other party or his attorney. And where there are several plaintiffs or defendants in any action, such notice to one of them, or the notice aforesaid to be given by the said Justice, given to one of them, shall be deemed sufficient.

SECT. 3. *Be it further enacted*, That every person deposing as aforesaid, shall be carefully examined, and cautioned, and sworn, or affirmed, to testify the whole truth and nothing but the truth, and shall subscribe the testimony by him or her given, after the same shall be reduced to writing; which shall be done only by the Justice taking the Deposition, or by the deponent, or some disinterested person, in the presence of the said Justice; and the Deposition so taken shall be retained by such Justice until he deliver the same, together with a certificate of the reasons for taking such Deposition, and of notice, if any, with his own hand to the Court, Justice, Referees or Arbitrators, for which it may have been taken, or shall, together with such certificate as aforesaid, be sealed up by him, and directed to such Court, Justice, Referees or Arbitrators, and remain under his seal until opened in Court, or by such Justice, Referees or Arbitrators: Which certificate shall be in substance as follows, *to wit*.

Form of certificate of Deposition.

— ff.
ON the day of in the year of our Lord the
aforesaid deponent was examined, and cautioned, and sworn (or affirmed) agreeable to law, to the Deposition aforesaid by him subscribed, taken at the request of
and to be used in an action of now pending between
him and before [*here name the Court, Justice, Referees or Arbitrators*] and the adverse party was, or was not present (as the case may be) or living more than twenty miles from the place of caption, was not notified, the said deponent living more than thirty miles from the place of trial, or being about to go out of the Commonwealth, and not to return in time for the trial, or being bound on a voyage to sea, or being so sick, or being so infirm, or being so aged as to be unable to travel and attend at the trial, is the cause of taking this Deposition.

Justice of the Peace.

SECT. 4. *Be it further enacted*, That such Justice, when requested by the party applying as aforesaid, shall issue his summons to the deponent in substance as follows, *to wit*.

— ff.
To of in the county of [addition]
GREETING.

Form of summons to deponents.

WHEREAS A. B. of in the county of [addition]
has requested me to take your Deposition, to be used
in an action now pending between him and and the
house of in and the day of in the year
68

of our Lord at of the clock in the noon,
are appointed the time and place for taking the same
Deposition : You are hereby required, in the name of the
Commonwealth of *Massachusetts*, then and there to ap-
pear, to testify what you know relating to the said action.
Hereof fail not. Given under my hand and seal at
the day of in the year of our Lord

Justice of the Peace.

Which summons, when served, and the service thereof pro-
ved as before prescribed in the case of the said notification, shall
be deemed good and sufficient : And if any deponent so sum-
moned shall neglect to appear at the time and place appointed
in the summons, and having tendered to him or her *Thirty-
Four Cents* for his or her time, and *Four Cents* a mile for his
or her travel, computing from the deponent's said place of
abode to the place of caption, and back, such deponent shall be
subject to like actions, forfeitures and attachment, as are pro-
vided by law where witnesses are summoned to Court and do
not appear.

Penalty for
nonattendance

SECT. 5. *Be it further enacted*, That if, on the trial of any
cause, either party shall make it appear probable to the Court,
that it will not be in his power to produce the witnesses, there
testifying on the appeal or review of the cause, and shall move
that their testimony be taken down in writing, it shall be done
by the Clerk of the said Court, or by such Justice of the Peace
as the Court shall appoint ; and if any appeal or review be
had, such testimony may be used, if it shall appear to the satis-
faction of the Court, that the witnesses are then living more
than thirty miles from the place of trial, or dead, or gone out
of the State, or on a voyage to sea, or so sick, infirm, or aged, as
then to be unable to travel and attend at the trial, and not oth-
erwise. And in every case (as oral testimony examined and
cross-examined in open Court is to be preferred to depositions,
when it can be reasonably had) where the Deposition of a wit-
ness shall have been taken, it shall not be used in the cause at
the trial, by the Court, Justice, Referees or Arbitrators, if the
adverse party shall then make it appear that the reasons for
taking the said Deposition no longer exist ; but that the wit-
ness is within the said distance, and able personally to appear.

Written testi-
mony, when to
be taken.

When to be
used.

SECT. 6. *Be it further enacted*, That all Depositions taken
out of this Commonwealth, before any Justice of the Peace,
Public Notary, or other person legally empowered to take
Depositions in the State or country where such Depositions
shall be taken and certified, may be admitted as evidence in any
civil action, or rejected, at the discretion of the Court. *Pro-
vided nevertheless*, That if the adverse party, or his attorney
shall live within twenty miles of the place of caption, no Depo-
sition shall be admitted, unless it shall appear by the caption
or affidavit, that such adverse party or his attorney was noti-
fied at the time and place of caption.

Foreign Depo-
sitions to be
used.

Proviso.

SECT.

Judges may allow Depositions to be taken out of the State.

Depositions in perpetual remembrance of a thing, how to be taken.

SECT. 7. *Be it further enacted*, That the Justices of the Supreme Judicial Court and of the Court of Common Pleas, may grant a *dedimus potestatem*, to have Depositions taken either within or without the Commonwealth, in any action, suit or controversy pending in said Courts respectively, on such terms and conditions as they from time to time shall prescribe.

SECT. 8. *Be it further enacted*, That where any Deposition shall be taken in perpetual remembrance of a thing, it shall be done by two Justices of the Peace, *quorum unus*, and they shall cause such as they know to be interested, to be duly notified of the time and place of the caption, if within twenty miles thereof; and if without that distance, their attorney, if any they have; and the Deposition being reduced to writing by one of the Justices, or by the deponent, in their presence, and subscribed, the said Justices shall administer the oath, and certify the caption, in substance as follows, *to wit* :

COMMONWEALTH OF MASSACHUSETTS.

— H. Town of

THIS day of in the year of our Lord personally appeared before us, the subscribers, two Justices of the Peace in and for the county of *quorum unus*, the aforesaid deponent, and after being carefully examined, and duly cautioned to testify the whole truth and nothing but the truth, made oath, or affirmed, that the foregoing Deposition, by him subscribed, is true. Taken at the request of to be preserved in perpetual remembrance of the thing. And we duly notified all persons, living within twenty miles of this place of caption, we knew to be interested in the property to which the said Deposition relates; and attended (if any person so notified did attend) or we not knowing any persons, living within twenty miles of said place of caption, interested in the property whereto the aforesaid Deposition relates, did not notify any persons to attend.

Where to be lodged.

And the same Deposition and caption shall within ninety days be recorded in the office of the Register of Deeds in the county where the land lies, if the Deposition respected real estates; and if the same respected personal estates, then in the said office of the county where the person lives for whose use such Deposition was taken; and such certificate shall be certified on the Deposition, and the same Deposition so certified, or a copy of the said record, may, in the case of the death of such deponent, absence, out of the State, or inability to attend the Court as aforesaid, be used as evidence in any cause to which it may relate.

Quakers may affirm.

SECT. 9. *Be it further enacted*, That every Quaker who, on any lawful occasion, shall be required to take an oath as a witness in any cause, or as a Juror in any civil cause, shall, instead

stead of the usual form, be permitted to affirm in these words, to wit: "*I, A. B. do solemnly and sincerely affirm, under the pains and penalties of perjury,*" which affirmation shall be deemed of the same force and effect his or her oath would have been on the same occasion, taken in the usual form. And if any Quaker making such affirmation shall be convicted wilfully, falsely and corruptly to have testified in any matter or thing, he or she so offending shall incur the same penalties and forfeitures as by the laws of this Commonwealth are enacted against persons convicted of wilful and corrupt perjury.

Penalty for false affirmation.

SECT. 10. *Be it further enacted,* That if any person shall wilfully, falsely and corruptly swear or affirm, in giving or making any Deposition or Affidavit in this Act provided to be taken, he or she shall incur the same penalties as if the testimony had been taken in open Court, and wilful perjury committed in giving the same. And in the administration of oaths in this Commonwealth, the ceremony of lifting up the hand, as heretofore used, shall be practised, with such exceptions as to Mahometans and other persons, who believe that an oath is not binding unless taken in their accustomed manner, as the several Courts shall find necessary in the execution of the laws.

Penalties for falsely deposing.

Form of administering an oath.

SECT. 11. *Be it further enacted,* That this Act shall take effect and be in force on and after the first day of *July* next; and that all laws enacted in this Commonwealth on the subject-matter of this Act before the first day of *November, Anno Domini* one thousand seven hundred and eighty, shall, on and after the first day of *July* next, be repealed, so far as they shall relate to all Depositions and Affidavits which shall be taken on and after that day.

Former laws repealed.

[This Act passed *February 3, 1798.*]

An ACT to annex several Grants of Land, in the County of *Berkshire*, to the Town of *Becket*, within the said County.

[This Act passed *February 3, 1798.*]

An ACT altering the Name of *William Gray* the fifth, to the Name of *William Shepard Gray*.

[This Act passed *February 5, 1798.*]

An ACT to set off certain Land from the Town of *Groton*, and annex the same to the Town of *Shirley*.

[This Act passed *February 6, 1798.*]

An

An ACT to set off that Part of the Farm in Possession of *Jacob Cole*, which lies in the District of *New-Ashford*, to the Town of *Chebbire*.

[This Act passed *February 6, 1798.*]

An ACT for setting off the northerly Part of the Town of *Sheffield*, in the County of *Berkshire*, and annexing the same to the Town of *New-Marlborough*, in the same County.

[This Act passed *February 7, 1798.*]

An ACT to empower the Inhabitants of the Town of *Middleborough*, in the County of *Plymouth*, to regulate the Price of the Fish called Alewives, taken in said Town, and for repealing all the Laws heretofore made, so far as they respect the Regulation of the Price of said Fish taken in said Town.

[This Act passed *February 8, 1798.*]

An ACT to set off Part of the Parish in the Town of *Stoughton*, in the County of *Norfolk*, and to annex the same to the north Parish in the Town of *Bridgewater*, in the County of *Plymouth*.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the lands comprised within the following described line, with the inhabitants dwelling thereon, viz. beginning at the southwest corner of the Widow *Relief Leach's* land (in the town of *Stoughton*) on the west line of the school lot; thence running north on said line until it comes to land belonging to *Caleb Howard*; thence east in the range of said *Howard's* and *Nathaniel Littlefield, junr's* land until it comes to the *Randolph* line; thence southeasterly on said line until it comes to *Nathaniel Littlefield's* land; thence westerly in the range of *Nathaniel Littlefield's* and *Nathaniel Littlefield, junr's* land until it comes to the road leading from *Bridgewater* to *Boston*; thence southerly by said road until it comes to the southwest corner of *William Curtis' land*; thence easterly and southeasterly in the range of said *Curtis' and Nathaniel Littlefield's* land until it comes to the said Widow *Leach's* land; thence northeasterly in the range of said *Leach's* and *Curtis' land* until it comes to *Randolph* line; thence southerly on said line until it comes to the

Boundaries—

the land of *Gideon Howard*; thence southwesterly in the range of said *Howard's* and *Leach's* land until it comes to *Oliver Howard's* land; thence in the range of said *Howard's* and *Leach's* land until it comes to the first mentioned bounds, be and they hereby are set off from the parish in the town of *Stoughton*, and ^{Set o} annexed to the north parish in the town of *Bridgewater*, and shall hereafter be considered a part of said parish, there to do duty, and receive privileges, as the other inhabitants of said parish do or may enjoy.

SECT. 2. *And be it further enacted*, That the persons living on or owning the above described land, shall be holden to pay ^{Direction re-} all taxes that have been legally assessed upon them by the parish in *Stoughton*, in the same manner as if this Act had never passed. ^{specting taxes.}

[This Act passed *February 8, 1798.*]

An ACT in Addition to an Act, entitled, "An Act incorporating certain Persons in the Town of *Dudley*, by the Name of *The First Congregational Society* in said Town."

[This Act passed *February 9, 1798.*]

An ACT to incorporate the Plantation called *New-Sandwich*, in the County of *Lincoln*, into a Town by the Name of *Wayne*.

[This Act passed *February 12, 1798.*]

An ACT to incorporate the Proprietors of Mills on *Charles'-River*.

[This Act passed *February 12, 1798.*]

An ACT in Addition to, and for Explanation of an Act, passed in the Year of our LORD One thousand seven hundred and seventy-four, for dividing the Town of *Springfield*, and erecting the western Part thereof into a separate Town by the Name of *West-Springfield*.

[This Act passed *February 13, 1798.*]

An ACT for establishing a Toll, for the Purpose of repairing and maintaining the great Bridge over the River *Parker*, in the Town of *Newbury*, and County of *Essex*.

[This Act passed February 13, 1798.]

An ACT for incorporating certain Persons for building a Bridge over *Chickapee-River*, between *Wilbraham* and *Ludlow*; and for supporting the same.

[This Act passed February 16, 1798.]

An ACT for incorporating certain Persons for the Purpose of building a Bridge over *York-River*, at a Place called *Trafton's-Ferry*.

[This Act passed February 17, 1798.]

An ACT relating to Suits against Defendants out of the State, also to giving Notice to Defendants sued.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That when the goods or estate of any person shall be attached at the suit of another in any civil action, a summons, in form prescribed by law, shall be delivered to the party whose goods or estate are attached, or left at his or her dwelling-house or place of last and usual abode, fourteen days before the day of the sitting of the Court where such attachment is returnable; and in case the Defendant was at no time an inhabitant or resident within this Commonwealth, then such summons to be left with his or her tenant, agent or attorney; and the serving thereof, in either case, to be certified by a sworn officer that executed the attachment, or by some other sworn officer, or by affidavit made in Court by the person that delivered the same, and by one other credible witness then also present; otherwise the writ shall abate.

Summons,
where to be
left.

SECT. 2. *Be it enacted by the authority aforesaid,* That in all suits wherein the process is by original summons, as against executors, administrators or guardians, in ejectment, dower, *Scire Facias*, error, review, and all other civil actions wherein the law does not require a separate summons to be left with the Defendant, the service thereof by the proper officer shall be good and valid in law, either by his reading the writ or original summons to the Defendant, or by leaving a true copy thereof

Service in particular cases.

thereof

thereof at his or her house or place of last and usual abode, attested by such officer fourteen days before the day of the Court's sitting whereto the same process shall be returnable.

SECT. 3. *Be it enacted by the authority aforesaid,* That in all actions wherein the process shall be by original summons as aforesaid, and in which the Defendant was at no time an inhabitant or resident within this Commonwealth, then the service thereof shall be in like manner by the proper officer's reading the same to, or leaving a like copy duly attested with the tenant, agent or attorney of the Defendant, the like number of days before the day of the Court's sitting whereto the same process shall be returnable.

When the Defendant has never lived in the State.

SECT. 4. *Be it enacted by the authority aforesaid,* That in actions of dower, and other real actions, wherein it shall so happen that the possession of land or buildings shall be demanded in the writ not of the tenant in the actual possession or occupancy thereof, in addition to a service on the Defendant in the writ or summons as aforesaid, there shall be a service on such tenant or occupant in possession, the like number of days before the day of the Court's sitting, by the proper officer's reading to him or her the same writ or original summons, or leaving a like attested copy at his or her house or place of usual abode on the premises, which shall also be certified by the proper officer; or the writ shall abate.

Tenants to be summoned, though not Defendants.

SECT. 5. *Be it enacted by the authority aforesaid,* That when a suit shall be brought against the party defendant, and no one of the Defendants named therein shall, at the time of the service thereof, be an inhabitant or resident within this Commonwealth, or then be present within the same, and shall not return before the time of trial; or if the action shall be grounded on a tort, and any one of the Defendants shall so be absent, or not inhabitant or resident, and not return; then the Court wherein such suit shall be pending, shall continue the same to the next term, on a suggestion of the fact being made on the record. And if the Defendant, whose absence was noted on the record, shall not then appear by himself or attorney, and be so remote that the notice of such suit pending could not probably be conveyed to him or her during the vacancy, the said Court may further continue the action to the next term, and no longer. And in such cases where judgment shall be entered up by default after one or two continuances as aforesaid, execution or writ of *Seisin* shall be stayed and not issue forth until the plaintiff or demandant shall have given bond, with one or more sufficient sureties, in double the value of the estate or sum recovered by such judgment, to make restitution, and to refund and pay back such sum as shall be given in debt or damages; or so much as shall be recovered upon a suit therefor, to be brought in one year next after entering up the first judgment; if upon such suit the judgment shall be reversed, annulled

When Defendant cannot be easily notified, decision to be deferred one term.

Plaintiff to give bond, in certain cases.

Except, when
he proves the
summoning of
the Defendant.

Real estate, in
certain case,
not to be pass-
ed away with-
in a year.

Joint obligat-
ors to be con-
sidered sum-
moned, when
one is notified.

Former Acts
repealed.

annulled or altered; the security aforesaid to be no further answerable than for the recovery that shall be made on such suit, to be had within one year as aforesaid: *Provided nevertheless*, If any plaintiff or plaintiffs in any such suit shall, at any time after the service of the original writ or summons as aforesaid, and thirty days before the term of said Court, in which judgment may be rendered in manner aforesaid, cause the Defendant or Defendants in the case (being out of this Commonwealth) to be notified of such suit, by serving him or them with an attested copy of such writ or summons, and the officers return thereon, and shall file in said Court the Deposition of one witness, being an inhabitant of this Commonwealth, that such copy of said writ or summons was left with said Defendant or Defendants, or at his or their last and usual place of abode; in such case, the plaintiff or plaintiffs may have his or their writ of execution or *Seisin*, in the same manner as though the said Defendant or Defendants had appeared in said Court and made answer in said action, without such bond being given in manner aforesaid. *Provided also*, That no real estate taken in execution, granted upon such first judgment, shall be alienated or passed away until the expiration of the said one year, or after a new trial brought within the said space of one year; to the intent that restitution thereof may be made in case as aforesaid.

SECT. 6. *And be it further enacted*, That when two or more are jointly obligated by act of law or agreement, and one or more of them are without the Commonwealth, having property or estate, but no tenant, agent, trustee or attorney within the same, the property or estate of those so without the Commonwealth may be attached, and the summons being left by the officer serving the writ, with those within the Commonwealth, shall be deemed a legal service on those without the same: *Provided*, One continuance shall be granted, unless the plaintiff can shew that notice has been given to the person so out of the Commonwealth; in which case the Court may proceed, at their discretion, without granting a continuance.

SECT. 7. *Be it enacted by the authority aforesaid*, That an Act passed Anno Domini one thousand seven hundred, entitled, "An Act providing that in suits where goods or other estate is attached, the defendant be summoned;" and also an Act passed Anno Domini seventeen hundred and thirty-six, entitled, "An Act for making more effectual provision for the service of original summons upon mesne process," be and the same are hereby repealed, so far as they shall respect all suits to be commenced on and after the first day of *July* next; and that this Act shall take effect and be in force on and after that day.

[This Act passed February 17, 1798.]

An

An ACT for incorporating a Number of the Inhabitants of *Becket*, in the County of *Berkshire*, into a Society, for religious Purposes.

[This Act passed February 17, 1798.]

An ACT altering the Name of *Peter Greene*, to *Peter W. Greene*.

[This Act passed February 19, 1798.]

An ACT to lessen the dangerous Evils of canine Madness, and other Injuries occasioned by Dogs.

New Act,
Feb. 19, 1799.

[This Act passed February 19, 1798.]

An ACT to incorporate the Plantation called *Otisfield*, in the County of *Cumberland*, into a Town by the name of *Otisfield*.

[This Act passed February 19, 1798.]

An ACT to prevent Damage being done on the Meadows and Beaches lying in and adjoining on the northeast Part of the Town of *Dennis*, between *Quivit-Harbour* on the east, and *Sessuit-Harbour* on the west.

[This Act passed February 22, 1798.]

An ACT to set off that Part of the Town of *Sydney* which lies west of *West-Pond*, and to annex the same to the Town of *Belgrade*.

[This Act passed February 23, 1798.]

An ACT for incorporating the Owners of certain Lands in *Long-Meadow*, in the County of *Hampshire*, for the Purpose of managing the same as a common and general Field.

[This Act passed February 23, 1798.]

An ACT to incorporate the Township *Number Two*, in the first Range of Townships, north of and adjoining to the *Plymouth-Patent*, on the east Side of *Kennebeck-River*, in the County of *Lincoln*, into a Town by the Name of *Cornville*.

[This Act passed *February 24, 1798.*]

An ACT to incorporate the Plantation called *Number-Eight*, in the County of *Washington*, in the Bay of *Passamaquoddy*, into a Town by the Name of *Eastport*.

[This Act passed *February 24, 1798.*]

An ACT to apportion and assess a Tax of *One Hundred Thirty-Three Thousand, Three Hundred and Eighty-One Dollars and Fifty-Three Cents*; and providing for the Reimbursement of *Eighteen Thousand Five Hundred and Sixty Dollars*, paid out of the public Treasury to the Members of the House of Representatives for their Attendance the two last Sessions of the General Court.

[This Act passed *February 24, 1798.*]

An ACT for incorporating the plantation of *Little-Falls*, in the County of *York*, into a Town by the Name of *Phillipsburg*.

[This Act passed *February 27, 1798.*]

Mar 26, 1783. An ACT in Addition to an Act, entitled, "An Act for suppressing Rogues, Vagabonds, common Beggars, and other idle, disorderly and lewd Persons."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Courts of General Sessions of the Peace, in their respective counties, where the circumstances may require it, be and hereby are authorized and empowered annually, to appoint three or five suitable and discreet freeholders of their county, living near the house of correction, to be Overseers of such house; who shall have power to see that the rules appointed by the said Court, for the government of the house, and

Overseers of
houses of cor-
rection, to be
appointed.

and the persons therein confined, be duly observed ; and also to examine the accounts of the keeper, with respect to the earnings of the prisoners, and the expense of the institution ; and they shall keep a register of all their proceedings, fairly written. They shall have power to make contracts for work to be done in the house, with any person disposed to supply the materials, and to make contracts for letting out any of the persons confined, to employers living, in the estimation of the Overseers, conveniently near to the house of correction for the Overseers or the master of the house to have the general inspection of the person so let out, and of the treatment they receive. And the Overseers shall receive, out of the wages of the prisoners, such reasonable compensation as the Court of Sessions shall allow.

SECT. 2. *Be it further enacted*, That the said Court of Sessions shall, at any term, have authority to remove any of the Overseers, and to replace others for the remainder of the year, and to fill up any vacancies of the Overseers made by death, resignation or otherwise. They shall also, at every term, inquire into the state of the house of correction, and examine the register and accounts of the Overseers and Masters, and make such further regulations and alterations in the treatment and government of the prisoners, as they shall judge necessary or proper, and not repugnant to the laws of the Commonwealth.

Overseers may be changed.

SECT. 3. *Be it further enacted by the authority aforesaid*, That when it shall be made to appear to any two Justices, *quorum unus*, that any person, being within their county, is lunatick, and so furiously mad as to render it dangerous to the peace or the safety of the good people for such lunatick person to go at large ; the said Justices shall have full power, by warrant under their hands and seals, to commit such person to the house of correction, there to be detained till he or she be restored to his right mind, or otherwise delivered by due course of law. And every person so committed, shall be kept at his or her own expense, if he or she have estate ; otherwise, at the charge of the person or town upon whom his maintenance was regularly to be charged, if he or she had not been committed ; and he or she shall, if able, be put to work during his or her confinement.

Lunaticks confined.

SECT. 4. *Be it further enacted by the authority aforesaid*, That all privileges granted to towns to provide work for their inhabitants at the county house of correction, and also to provide for their support there, shall remain in force, notwithstanding this Act ; but the persons confined shall be wholly under the government of the Overseers and Master, to be appointed by the Court of Sessions as herein provided ; and all charges attending the business more than the wages of the prisoners,

Old privileges continued.

or such expenses as arise and ought to be borne by the individual out of their estates, shall be paid out of the county-treasury, when allowed by the Court of Sessions.

[This Act passed February 27, 1798.]

Feb. 27, 1796. An ACT in Addition to an Act, entitled, "An Act for the Support and Regulation of Mills."

Preamble.

WHEREAS in said Act no provision is made for ascertaining the right of owners or occupants of Mills to flow the lands of others without payment of any sum, by way of damages therefor, or for trying the title of complainants, therein mentioned, to the lands for flowing of which they may complain. Therefore,

Complaint to be made to Court of Common Pleas.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That whenever any person shall complain to the Court of Common Pleas, that he sustains damage in his lands, by their being flowed in the manner mentioned in said Act, the said Court shall order the complainant to notify the owner or occupant of the Mill complained of, by serving him with an attested copy of such complaint (together with such order thereon) fourteen days at least before the then next term of said Court, that he may then appear and shew cause, if any he have, why a warrant should not issue in the manner, and for the purposes prayed for in such complaint. Or such complainant may, fourteen days at least before the sitting of the Court to which he intends to prefer his complaint, cause the owner or occupant of such Mill to be served with an attested copy of such complaint. And such service or notification, certified by the proper officer, shall be deemed sufficient evidence of proper notice.

To be tried by Jury, or by the Justices.

SECT. 2. *Be it further enacted,* That if any owner or occupant of any Mill shall plead to such complaint, and in his plea shall dispute the statement made by the complainant, or shall deny the complainant's title to the lands said to be damaged by flowing, or shall claim a right to flow such lands without payment of damages, or for an agreed composition; the Court shall order a trial of the issue, which may be joined by the parties, by a Jury at the bar of said Court; or if the issue be an issue in law, shall determine the same themselves, reserving to each party the liberty of appealing to the Supreme Judicial Court, as in other cases.

Warrant to be issued.

SECT. 3. *Be it further enacted,* That if the owner or occupant of a Mill, notified as aforesaid, shall not appear, or appearing, shall not shew sufficient cause, the said Court of Common Pleas shall issue a warrant, and such proceedings shall be had in all things, as are prescribed by the Act to which this is

an addition. *Provided*, That whenever there shall be an appeal to the Supreme Judicial Court, and a determination shall there be had against the respondent, a certificate of such determination shall first be exhibited to said Court of Common Pleas. Provide.

SECT. 4. *Be it further enacted*, That if the complainant shall fail to prosecute his complaint in any stage of the proceedings, or the issue joined shall be determined against him, the respondent shall recover his costs, as in other cases. Complainant to pay cost, if cast.

[This Act passed February 28, 1798.]

An ACT for altering the Times of holding the Courts of General Sessions of the Peace and Common Pleas, within and for the County of *Hancock*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the passing this Act, the Courts of General Sessions of the Peace and Common Pleas, which by law are holden at *Castine*, within and for the county of *Hancock*, on the third Tuesdays of *April* and *September*, annually,—shall be holden at the same place, on the first Tuesday of *May*, and the last Tuesday of *September* annually, instead of the third Tuesdays aforesaid. Courts' sitting altered.

SECT. 2. *Be it further enacted*, That all actions, suits, writs, processses, precepts, appeals, and recognizances already commenced, sued out, or made, or that hereafter may be commenced, sued out, or made returnable to either of the Courts aforesaid, on the third Tuesday of *April* next; and all actions, suits, processses, recognizances and prosecutions of every kind now pending, or that may be pending before either of the Courts aforesaid, which before the passing this Act were to have been holden on the third Tuesday of *April* next,—shall be returnable to, entered, made, proceeded upon, prosecuted, tried and determined, agreeably to the true intent of such actions, writs, suits, processses, appeals, recognizances and prosecutions, before the said Courts, to be holden by virtue of this Act, at said *Castine*, on the said first Tuesday of *May* next. Business transferred to the next period for the Courts' sitting.

[This Act passed March 1, 1798.]

An ACT to incorporate the Township *Number One*, on the west Side of *Kennebeck-River*, in the first Range, north of and adjoining to the Line of *Plymouth-Claim*, in the County of *Lincoln*, into a Town by the Name of *Anson*.

[This Act passed March 1, 1798.]

An

Nov. 25, 1796. An ACT in Addition to an Act, entitled, "An Act in Addition to, and for the Amendment of the Act passed the eleventh Day of *June*, One thousand seven hundred and ninety-six, establishing the first *Massachusetts Turnpike Corporation*," and for other Purposes herein mentioned.

[This Act passed *March 1, 1798.*]

An ACT incorporating the *Massachusetts Mutual Fire Insurance Company*.

[This Act passed *March 1, 1798.*]

An ACT to prevent the Destruction of Fish in *Concord-River*, in the County of *Middlesex*.

[This Act passed *March 1, 1798.*]

An ACT for the Preservation of the Fish called Alewives, in *Weweantit-River*, in the County of *Plymouth*, and for regulating the taking said Fish, and for repealing all Laws heretofore made for that Purpose.

[This Act passed *March 1, 1798.*]

Addit. Act,
Jan. 16, 1800.

An ACT for the Preservation of the Fish called Salmon, Shad and Alewives in the Rivers, Streams and Waters within the Counties of *Lincoln* and *Cumberland*, and for repealing all other Laws heretofore made for that Purpose, so far as respects their Operation in the said Counties.

[This Act passed *March 1, 1798.*]

An ACT for the better Preservation of the Fish called Alewives, in *Mill-River* (so called) in *Taunton*, in the County of *Bristol*, and for regulating the taking of said Fish in said River.

[This Act passed *March 2, 1798.*]

An ACT to extend the Time for receiving, on Loan, *Feb. 20, 1797.*
the Debt of this Commonwealth.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the term for receiving, on loan, the Debt of this Commonwealth, which has not been subscribed in pursuance of, and conformable to an Act, entitled, "An Act to provide for the Debt of this Commonwealth;" and one other Act, entitled, "An Act for appropriating Twelve Thousand Pounds, part of Tax No. 11, to the payment of interest on the funded and consolidated Debt of this Commonwealth, and for other purposes," be and the same hereby is extended for the term of one year from the passing of this Act: And the Treasurer of this Commonwealth is hereby authorized and directed to receive and admit subscriptions to the said loan, of all such species of the said Debt as are in the said two Acts described, until the expiration of one year from the passing of this Act, in the same manner, and on the same terms, as are in the said two Acts provided and established.

Time extend-
ed.
Treasurer
directed.

[This Act passed March 2, 1798.]

An ACT authorizing *Daniel Goulding* to conduct Water, in subterraneous Pipes, from a certain Spring in his own Land, within the Town of *Worcester*, for the Accommodation of himself and some other Inhabitants of the said Town.

[This Act passed March 2, 1798.]

An ACT to prevent the Destruction, and to regulate the catching of the Fish called Alewives, in the Rivers and Streams in the Town of *Falmouth*, in the County of *Barnstable*.

[This Act passed March 2, 1798.]

An ACT authorizing the Inhabitants of the Towns of *Watertown*, *Weston* and *Waltham*, in the County of *Middlesex*, to regulate the taking of the Fish called Shad and Alewives within the Limits of the said Towns.

[This Act passed March 2, 1798.]

An ACT to incorporate a Gore of Land lying north of *Adams*, in the County of *Berkshire*, into a Town by the Name of *Clarksburg*.

[This Act passed March 2, 1798.]

An ACT to incorporate the Proprietors of Mills on *Mill-Creek*, in *Dedham*; and *Neponset-River*, in *Dorchester* and *Milton*.

[This Act passed March 3, 1798.]

An ACT for establishing an Academy in the Town of *Milton* by the Name of *Milton Academy*.

[This Act passed March 3, 1798.]

An ACT for incorporating *Israel Waters*, and others, Inhabitants of the Town of *Charlton*, into a religious Society by the Name of *The Proprietors of the New Congregational Centre Meeting-House in Charlton*, and for repealing two Acts heretofore made for incorporating the Congregational Church in said Town.

[This Act passed March 3, 1798.]

An ACT to incorporate certain Persons as Trustees of the Funds raised by Subscription for the Support of Religion, Piety and Morality, in the Town of *Raynham*, in the County of *Bristol*.

[This Act passed March 3, 1798.]

An ACT to incorporate certain Proprietors of Meadow-Lands lying on each Side of *Neponset-River*, in the Towns of *Dedham*, *Milton* and *Canton*, and for drawing off the stagnant Waters, and for the better improving said Meadow-Lands.

[This Act passed March 3, 1798.]

An ACT to enable the Proprietors of Social Libraries
to manage the same.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That any seven or more persons, capable of contracting in any towns or districts in this Commonwealth, who have or shall become Proprietors in common of any Library, may form themselves into a society or body politic, for the express purposes of holding, increasing, preserving and using such Library; and to that end, any five or more of them may apply, in writing, by them signed, to any Justice of the Peace within the county wherein the same town or district may be, stating the purposes of their meeting, and requesting him to issue his warrant for calling a meeting of the said Proprietors, which Justice may grant his warrant to some one of them, directing him to call a meeting of the said Proprietors, at the time and place, and for the purposes in such warrant expressed; which Proprietors shall notify such meeting, by posting up the substance of said warrant in some public place in the said town or district where the said Library shall be kept, seven days at least before the time of said meeting.

Persons may form themselves into a Library-Society.

How to call a meeting.

SECT. 2. *Be it further enacted,* That any seven or more of the Proprietors of such Library, met in pursuance of such notice, shall have power to choose a Moderator, Clerk, Librarian, Collector, Treasurer, and other necessary officers and committees; which Clerk shall be sworn to the faithful and impartial performance of his duties; and the said Proprietors, when so incorporated, shall have power to raise such monies by assessments on the several shares in such Library as they may judge necessary for preserving and increasing the same, and for the management of the affairs of the Corporation; to make by-laws for the due regulation of its concerns, not repugnant to the Constitution and Laws of this Commonwealth, and to annex and recover penalties for any breach of such by-laws, not exceeding *Three Dollars* for any one breach thereof.

May choose Officers.

May raise money.

SECT. 3. *Be it further enacted,* That the Proprietors of any such Library so incorporated, shall be called and known by the name of *The Proprietors of the Social Library in the Town of* , and by that name shall sue and be sued, prosecute and defend, plead and be impleaded, in all actions and processes in law; and when there shall be more than one such Library in any town or district, the Proprietors thereof shall be known and called by the name of *The Proprietors of the second, third, fourth, &c.* (as the case may be) *Social Library in the town of* .

Name.

May sue, &c.

SECT. 4. *And be it further enacted,* That when any such meeting shall be dissolved, the Proprietors may again incorporate themselves, and proceed in all respects as aforesaid; and in any meetings of such Proprietors, there shall be allowed one

The Society may be renewed after dissolution.

CREDITORS' DEMANDS.

June 16, An. 1798.

vote for each share. And the Proprietors of any such Library shall have power to hold to them, their successors and assigns, real or personal estate, to the amount of *Five Hundred Dollars*, over and above the value of their books, and shall have power, at any regular meeting, to fix the mode and manner of calling future meetings.

[This Act passed *March 3, 1798.*]

An ACT to incorporate the Plantation called *East-Butterfield*, in the County of *Cumberland*, into a Town by the Name of *Hartford*.

[This Act passed *June 13, 1798.*]

An ACT to incorporate the Plantation called *West-Butterfield*, in the County of *Cumberland*, into a Town by the Name of *Summer*.

[This Act passed *June 13, 1798.*]

An ACT to incorporate *John Worthington*, Esquire, and others, for conveying Water, in subterraneous Pipes, in *Springfield*.

[This Act passed *June 14, 1798.*]

An ACT for assessing and collecting Taxes on the Pews in the Meeting-House, where the Rev. *John Tompson* officiates, in the first or south Parish in *Berwick*, for the Repair and Amendment of said House.

[This Act passed *June 14, 1798.*]

Feb. 28, 1795.

An ACT in Addition to an Act, entitled, "An Act to enable Creditors to receive their just Demands out of the Goods, Effects and Credits of their Debtors when the same cannot be attached by the ordinary Process of Law."

Preamble.

WHEREAS in and by the Act aforesaid, it is among other things enacted, that where all the supposed Trustees, or any one or more of them, come into Court, and are discharged upon examination on oath, or where the suit shall be discontinued by the plaintiff against them, or against any

any one or more of them, the plaintiff may, notwithstanding, proceed against the principal to trial, judgment and execution: And whereas doubts have arisen and may arise to what cases the clause aforesaid, of the Act aforesaid, does extend, for the prevention whereof,

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That in all processess which may hereafter be brought in any Court by virtue of the Act aforesaid, wherein all the supposed Trustees shall be discharged as aforesaid, or wherein the plaintiff shall discontinue his suit against all of them, or wherever it shall appear from the record, that there is not any Trustee in such suit; in all such cases the plaintiff shall not proceed in his suit against the principal, unless there shall have been such service of the original writ upon the principal as would have authorized the Court to proceed to render a judgment against him, in an action brought and commenced in the common and ordinary mode of process. *Provided however,* That the principal in such case may, if he think proper, come into Court and take upon himself the defence of the said suit.

When plaintiff shall not proceed in suit.

Provido.

And whereas it often happens, after a process has been served on one or more Trustees, that effects are discovered in the hands of some other Agent or Trustee, not known to the plaintiff at the time of issuing the writ,

SECT. 2. *Be it therefore enacted by the authority aforesaid,* That in all such cases it shall and may be lawful for the plaintiff or his attorney, to insert into the process which shall or may have been served on one or more Trustee or Trustees, the name or names of any person or persons in whose hands or possession he or they may suspect that any goods, effects, rights or credits of the absconding debtor or principal shall have been, or may be placed or concealed: *Provided however,* That no such name or names shall be inserted after the said writ or process shall have been served upon the principal or absconding debtor or debtors.

New names may be inserted in trustee process.

[This Act passed June 16, 1798.]

An ACT providing Compensation for Services of the Sheriff of the County of Hancock.

[This Act passed June 19, 1798.]

An ACT in further Explanation of and Addition to an Act, entitled, "An Act for incorporating a certain Part of the Town of Lee, into a School District by the Name of *The Hopland School District*."

Mar. 11, 1797.

[This Act passed June 19, 1798.]

An

An ACT in Addition to an Act, entitled, "An Act to incorporate the east Part of *Greenfield*, in the County of *Hampshire*, into a Town by the Name of *Gill*," passed the twenty-eighth Day of *September*, in the Year of our LORD One thousand seven hundred and ninety-three.

[This Act passed June 19, 1798.]

An ACT in Addition to, and explanatory of an Act passed in the Year of our LORD One thousand seven hundred and seventy-eight, entitled, "An Act for dividing and setting off the westerly Part of the Town of *Newton*, in the County of *Middlesex*, into a separate Precinct by the Name of *The West Precinct*."

[This Act passed June 20, 1798.]

An ACT to incorporate certain Persons in the Town of *Wrentham*, for the Purpose of conducting Water, by subterraneous Pipes, in said Town.

[This Act passed June 21, 1798.]

An ACT to continue in Force an Act passed in the Year of our LORD One thousand seven hundred and ninety-six,* entitled, "An Act establishing and regulating the Fees of the several Officers, and other Persons hereafter mentioned; and for repealing the Laws heretofore made for that Purpose."

* 13th Feb.

Act continued.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Act be, and hereby is continued in force until the first day of *May* next, any thing therein contained to the contrary notwithstanding.

[This Act passed June 21, 1798.]

An ACT to set off *Richard Rogers*, of *Kittery*, in the County of *York*, from the first Parish in *Kittery*, and to annex him and his Estate to the third Parish in said Town.

[This Act passed June 21, 1798.]

An ACT providing for the Cession of *Castle-Island*, in the Harbour of *Boston*, to the *United States*, and for other Purposes therein mentioned.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That an island in the harbour of *Boston*, called *Castle-Island*, be and hereby is granted and ceded to the *United States*, for the purpose of erecting forts, magazines, arsenals, dock-yards, and other needful buildings thereon for the defence of the *United States*; reserving the ordnance and all the warlike stores now on said Island, which are the property of this Commonwealth.

Castle-Island
ceded.

SECT. 2. *Be it further enacted,* That the consent of this Commonwealth be and hereby is granted to the *United States*, to purchase an island in the harbour of *Boston*, called *Governor's-Island*, and also a tract of land not exceeding six hundred and forty acres, situated in the town of *Springfield*, in the county of *Hampshire*, for the sole purpose of erecting forts, magazines, arsenals, dock-yards, and other needful buildings; the evidence of the purchases aforesaid to be entered and recorded in the Registry of Deeds in the counties where the same lands are respectively situated. *Provided always,* and the cession and consent aforesaid are granted upon the express condition, that this Commonwealth shall retain a concurrent jurisdiction with the *United States*, in and over the islands and tract of land aforesaid, so far as that all civil and such criminal processes as may issue under the authority of this Commonwealth, against any person or persons charged with crimes committed without the said islands and tract of land, may be executed therein in the same way and manner as though this cession and consent had not been made and granted: *Provided also,* That the officers and soldiers stationed on *Castle-Island* shall remain there for the purpose of guarding the convicts, and for the defence of this Commonwealth, under the command of the Governor thereof, until the *United States* shall accept of the cession herein made, and shall take possession thereof for the purposes expressed in this Act.

Jurisdiction of
other territory
ceded.

Provide.

Further provi-
so.

SECT. 3. *And be it further enacted,* That if the agent employed for the *United States*, and the owner or owners of said island or tract of land so to be purchased, cannot agree in the sale and purchase thereof, such agent may apply to any Court of General Sessions of the Peace which shall be holden within and for the county wherein said *Governor's-Island*, or tract of land, is situated; which Court, after due notice given to the said owner or owners, are hereby empowered and directed to hear and finally determine the value of the same island or tract of land, by a Jury under oath, to be summoned by the Sheriff or his deputy for that purpose, or by a Committee of three persons,

Case of disagree-
ment with
the owners of
ceded territory.

persons, if the parties aforesaid can agree upon them : And the value thereof being thus ascertained by the verdict of such Jury, or the report of such Committee, who are also to be under oath, faithfully and impartially to value said island or tract of land ; and such verdict or report being accepted and recorded by said Court, and the amount thereof being paid or tendered to the owner or owners of said island or tract of land, with his or their reasonable costs, the said island or tract of land shall forever be vested in the *United States* ; and shall and may be by them taken, possessed and appropriated to the purposes aforesaid.

[This Act passed June 25, 1798.]

Feb. 26, 1796. An ACT in Addition to the Act, entitled, “ An Act to prevent the Destruction of Oysters and other shell Fish in this Commonwealth.”

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That all the provisions, restrictions and penalties of, and proceedings directed in the said Act, passed in the year of our Lord one thousand seven hundred and ninety-six, be and the same are hereby extended to the town of *Wellfleet*, in the county of *Barnstable*.

Extended to
Wellfleet.

Quantity of
shell Fish al-
lowed to be
taken.

SECT. 2. *And be it further enacted,* That no Fisherman shall take from said town of *Wellfleet*, or any town mentioned in the Act to which this is an addition, any such Fish exceeding the quantity of seven bushels in a week, including the shells, any thing in the Act to which this is an addition notwithstanding.

[This Act passed June 25, 1798.]

An ACT in Addition to an Act, entitled, “ An Act regulating the taking of the Fish called Alewives, in the *Town-Brook* (so called) in the Town of *Plymouth*,” passed the twentieth Day of *June*, in the Year of our LORD One thousand seven hundred and eighty-nine.

[This Act passed June 25, 1798.]

An ACT in Addition to the several Acts respecting the Proprietors of *Middlesex Canal*.

[This Act passed June 25, 1798.]

An ACT to incorporate certain Persons, Trustees to manage the Funds for the permanent Support of a Pædobaptist Congregational Minister, that may officiate in the Meeting-House near the four Corners, in the southerly Part of *Dighton*, in the County of *Bristol*.

[This Act passed June 25, 1798.]

An ACT to incorporate a Number of Inhabitants in each of the Towns of *Marshfield*, *Scituate*, *Duxborough*, *Pembroke* and *Hanover*, into a separate religious Society by the Name of *The Baptist Religious Society in Marshfield*.

[This Act passed June 25, 1798.]

An ACT for setting off a certain Tract of Land belonging to the Town of *Hancock*, in the County of *Berkshire*, and annexing the same to the District of *New-Ashford*, in said County.

[This Act passed June 26, 1798.]

An ACT more effectually to prevent the pernicious Practice of Gaming. March 4, 1786.

§ECT. I. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the*

same, That no innholder, tavern-keeper, victualler, or person licensed as a retailer of spirituous liquors, shall keep, or suffer to be kept, any table for the purpose of playing at billiards, in any house, yard, garden, or other appendages to him or her belonging, or by him or her occupied or improved. And if any innholder, tavern-keeper, victualler, or retailer of spirituous liquors, licensed as aforesaid, shall keep, or suffer to be kept, in any house, building, yard, garden, or other appendages to him or her belonging, or by him or her occupied or improved, any such table for the purpose of playing at billiards, or shall suffer or wittingly and willingly allow any person to play therein at billiards, cards, dice, or any other unlawful game, he or she so offending, upon conviction thereof on an indictment of the Grand-Jury, before the Court of General Sessions of the Peace, or the Supreme Judicial Court, shall, for each and every such offence, forfeit and pay the sum of *Fifty Dollars*, to the use of the town where such offence shall be committed,

Innholders, &c.
forbidden to
suffer gaming.

Penalties.

mitted, and shall be deprived of his or her license for the remainder of the year, and shall not obtain a renewal thereof for the space of three years next ensuing.

Private billiard-tables, &c. prohibited.

Penalties.

SECT. 2. *Be it further enacted*, That if any person not licensed as an innholder, tavern-keeper, victualler, or retailer of spirituous liquors, shall keep, or suffer to be kept, in any house, building, yard, garden, or other appendages thereof, by him or her actually occupied or improved, any tables for the purpose of playing at billiards for hire, gain or reward, or shall for hire, gain or reward, allow and suffer persons to resort to the same for the purpose of playing at billiards, cards or dice, or at any other unlawful game, such person so offending, on conviction thereof as aforesaid, shall, for each and every such offence, forfeit and pay the sum of *Fifty Dollars*, to the use of the town where the offence shall be committed, and farther shall be obliged to recognize, with sufficient surety or sureties, in a reasonable sum, for his or her good behaviour, and particularly that he or she will not be guilty of a breach of this Act for the space of three years next ensuing.

Penalty for playing.

SECT. 3. *Be it further enacted*, That if any person shall play at billiards at any table kept, or made use of for the purpose aforesaid, he shall, on conviction thereof, forfeit and pay a fine of *Six Dollars* for each and every such offence, to be recovered by action or complaint, before any Justice of the Peace in and for the county where the offence shall be committed, to the use of him or them who may prosecute or sue for the same.

Officers directed.

SECT. 4. *And be it further enacted*, That it shall be the duty of all Selectmen, Sheriffs, Deputy-Sheriffs, Constables, Tythingmen and Grand-Jurors, to complain of any breaches of this Act.

[This Act passed June 27, 1798.]

An ACT authorizing *James Bayley*, and others, to conduct Water, in subterraneous Pipes, within the Town of *Amesbury*.

[This Act passed June 27, 1798.]

June 27, 1797.

An ACT in Addition to the Act establishing the *Third Massachusetts Turnpike Corporation*.

[This Act passed June 27, 1798.]

Mar. 11, 1797. An ACT to secure the Town of *Boston* from Damage by Fire.

[This Act passed June 27, 1798.]

An ACT in Addition to an Act, entitled, “An Act July 3, 1782.
establishing Courts of Common Pleas.”

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That where, in any Court of Common Pleas, there are not now, or hereafter may not be four Justices in commission, His Excellency the Governor, with advice of Council, shall appoint a Chief Justice; and hereafter the said Court of Common Pleas shall consist of a Chief Justice, and three other Justices, qualified as the law directs, appointed by His Excellency the Governor, with the advice of Council: And that all writs and processs, issuing from the several Courts of Common Pleas, shall bear test of the First or Chief Justice; and in case the said First or Chief Justice shall be a party, then such writ or process shall bear test of the next senior Justice, if he is not a party.

Four Justices
to be appointed.

[This Act passed June 27, 1798.]

An ACT for incorporating a Number of the Inhabitants of the Towns of *Harwich, Dennis and Chatham*, in the County of *Barnstable*, into a distinct and separate religious Society.

[This Act passed June 27, 1798.]

An ACT to incorporate a Part of the first Precinct in *Rochester*, in the County of *Plymouth*, into a separate Precinct by the Name of *The Fourth Congregational Precinct in Rochester*.

[This Act passed June 27, 1798.]

An ACT to incorporate certain Persons in the Town of *Hopkinton*, for the Purpose of conducting Water from a certain Spring in said Town, for the Use of a Number of Inhabitants thereof, by subterraneous Pipes.

[This Act passed June 27, 1798.]

An ACT to set off *William Watson* and *James Watson*, with their Estates, from the Town of *Warren*, in the County of *Lincoln*, to the Town of *Thomastown*.

[This Act passed June 28, 1798.]

An ACT for the Preservation of the Fish called Alewives, in *Agawam* and *Halfway Pond Rivers*, in the County of *Plymouth*, and for the regulating the taking said Fish, and for repealing all Laws heretofore made for that Purpose.

[This Act passed June 28, 1798.]

Nov. 17, 1787. An ACT in Addition to an Act, entitled, "An Act for incorporating certain Persons for the Purpose of building a Bridge over the River between *Salem* and *Beverly*, and for supporting the same."

[This Act passed June 29, 1798.]

June 27, 1794.
Feb. 24, 1796. An ACT in Addition to the several Laws regulating Elections.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the* same, That it shall not be lawful for the Selectmen of any town or district, to appoint a meeting for the election of a Representative to the General Court, on any day on which by law the Militia of this Commonwealth are specially required to do military duty; and the Selectmen thus appointing any such meeting, shall severally forfeit and pay a sum not exceeding *One Hundred Dollars*.

SECT. 2. *Be it further enacted,* That no officer or soldier of the militia shall be holden to do any military duty on any day (except on days which are or may be specially prescribed by law) on which the Selectmen or Assessors of any town or district shall appoint a meeting for the election of a Representative to the General Court, or on the day pointed out in the Constitution for the election of Governor, Lieutenant-Governor and Senators of this Commonwealth, or on any day which is or may be appointed for the choice of Electors of President and Vice-President of the *United States*, or Representatives to Congress: And it shall not be lawful for any such officer to exercise any military command on either of said days, unless in case of sudden invasion made or threatened, or in obedience to the orders of the Commander in Chief, except as is herein before excepted; and every officer offending herein shall, for each offence, forfeit and pay a sum not less than *Ten*, or more than *Three Hundred Dollars*.

SECT. 3. *Be it further enacted,* That it shall not be lawful for the Selectmen or Assessors of any town, district or plantation, presiding at a meeting for either of the elections afore-
said,

No meeting to be held on military days.

No military duty to be exacted on days of voting for civil officers.

Votes to be personally presented.

said, to receive any vote, unless delivered in writing by the voter in person, and the Selectmen or Assessors who shall offend herein, shall severally forfeit and pay a sum not exceeding *One Hundred Dollars*.

SECT. 4. *Be it further enacted*, That all fines and forfeitures for any breach of this Act, may be recovered by indictment before the Supreme Judicial Court, or by action of debt before any Court proper to try the same,—one half to the use of this Commonwealth—and the other half to the use of any person who shall prosecute or sue for the same. Recovery and disposal of fines.

[This Act passed June 29, 1798.]

An ACT establishing an additional Term of the Supreme Judicial Court for the County of *Norfolk*. Act (p. 569)
Mar. 26, 1793,
sect. 2.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That there be held and kept at *Dedham*, within and for the said county of *Norfolk*, on the second Tuesday of *February*, annually, a Supreme Judicial Court, in addition to the term now by law established for said county; and all officers are directed to govern themselves accordingly.

[This Act passed June 29, 1798.]

An ACT to prevent profane Cursing and Swearing.

WHEREAS the horrible practice of profane cursing and swearing is inconsistent with the dignity and rational cultivation of the human mind, with a due reverence of the Supreme Being and his Providence, and hath a natural tendency to weaken the solemnity and obligation of oaths lawfully taken in the administration of justice; to promote falsehood, perjuries, blasphemies and dissoluteness of manners, and to loosen the bonds of civil society: Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That if any person, who has arrived at discretion, shall profanely curse or swear, and shall be thereof convicted, such person so offending, shall forfeit and pay a sum not exceeding *Two Dollars*, nor less than *One Dollar*, according to the aggravation of the offence, and the quality and circumstances of the offender, in the judgment of the Court or Justice of the Peace before whom the conviction may be; and in case the same person shall, after one conviction as aforesaid, offend a second time, such offender shall forfeit and pay, upon such second conviction, double the sum forfeited on the first conviction; and in case the same person shall, after two convictions Penalties for swearing.

tions as aforesaid, again offend, such offender shall forfeit and pay, upon each and every subsequent conviction, treble the sum forfeited on the first conviction; and if, on any trial and conviction, proof shall be made that more than one profane oath or curse were sworn or uttered by the same person at the same time, and in the presence or hearing of the same witness or witnesses, the person so offending, for every profane oath or curse, after the first, shall forfeit and pay a sum not exceeding *Fifty Cents*, nor less than *Twenty-Five Cents*, in addition to the sum forfeited as first above specified,—one moiety of the several forfeitures aforesaid, to be to the use of the poor of the town in which the offence shall have been committed—and the other moiety thereof to the use of the person or persons who shall make complaint thereof, or prosecute for the same. And in case any person, convicted of profane cursing or swearing, shall not immediately pay the sum or sums so forfeited, such person shall be committed to the common gaol or house of correction, there to remain not less than one day, nor more than five days. *Provided nevertheless*, That when any person shall have been convicted of profane cursing or swearing, before any Justice of the Peace, and having appeared before such Justice, and pleaded the general issue, or demurred to the charges in the complaint against him, it shall be lawful for such defendant to appeal from the sentence of such Justice to the Justices of the next Court of General Sessions of the Peace, to be holden in and for the county wherein the offence was committed, who shall hear and finally determine the same; the appellant claiming such appeal at the time of declaring such sentence by said Justice, and then and there recognizing, with sufficient surety or sureties, in a reasonable sum not exceeding *Twenty Dollars*, to prosecute his said appeal with effect, and to perform the order of said Court therein.

Fine for every oath after the first.

Proviso.

Appeal allowed.

Officers whose duty it is to inform of oaths.

SECT. 2. *And be it further enacted*, That if any person shall profanely curse or swear in the hearing of any Sheriff, Deputy-Sheriff, Coroner, Constable, Grand-Juror or Tythingman, it shall be the duty of such Officers respectively, forthwith to give information thereof to some Justice of the Peace of the county wherein the offence may be committed, in order that the offender may be taken, convicted and punished for the same; which conviction shall be drawn up in the form following:

— ff.

Form of conviction.

BE it remembered, That on the _____ day of _____ in the year of our Lord _____ A. B. was convicted before me, one of the Justices of the Peace for the county of _____ of swearing one (or more) profane Oath (or Oaths) or of uttering one (or more) profane Curse (or Curses) as the case shall be. Given under my hand the day and year aforesaid.

SECT.

SECT. 3. *Provided always, and it is hereby further enacted,* That no person shall be convicted or troubled for the offence of profane cursing or swearing, unless the prosecution for such offence shall be commenced within twenty days next after the offence shall be committed. Proviso.

SECT. 4. *And be it further enacted,* That the Clerks of the several towns, districts and plantations in this Commonwealth shall cause this Act to be publicly read at the opening of their respective annual meetings in the month of *March* or *April*; and if the Clerk of any town, district or plantation shall neglect so to do, he shall forfeit and pay the sum of *Ten Dollars* for each neglect, to be recovered by an action of debt in any Court proper to try the same,—one moiety thereof to the use of the person or persons suing therefor, and the other moiety thereof to the use of this Commonwealth. This Act to be read in certain meetings.

SECT. 5. *And be it further enacted,* That the Secretary shall cause to be transmitted a printed copy of this Act to each of the public Teachers of Religion within this Commonwealth, to whom it is hereby recommended to read, or cause the same to be publicly read to their several Congregations annually, on the day of the public Fast.

SECT. 6. *And be it further enacted,* That all laws heretofore made for preventing profane cursing and swearing, be and hereby are repealed.

[This Act passed *June 29, 1798.*]

An ACT in Addition to an Act which passed on the twenty-sixth Day of *February*, in the Year of our LORD One thousand seven hundred and ninety-four, entitled, “An Act to incorporate a Society by the Name of *The Trustees of the Baptist Education Fund.*”

[This Act passed *January 22, 1799.*]

An ACT limiting the Time within which Petitions for Wages, which have been drawn by forged Orders, shall be sustained.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That no petition for wages, which have heretofore been drawn by forged orders, shall be hereafter sustained, unless such petition shall be presented within two years from the passing of this Act: And on failure thereof, the petitioner, applicant and claimant, shall be forever excluded and barred from any claim or demand against this Commonwealth, for or on account of any To be presented within two years.

any wages so drawn or alleged to be drawn, by virtue of any such forged order. And the Secretary is hereby directed to cause this Act to be published in the several newspapers printed in this Commonwealth, for three months successively.

[This Act passed *January 29, 1799.*]

An ACT in Addition to an Act for confirming the Records of a Plantation called *Bridgeton*.

[This Act passed *January 29, 1799.*]

An ACT to incorporate a Number of the Inhabitants in each of the Towns of *Sydney, Belgrade and Augusta*, in the County of *Lincoln*, into a distinct religious Society by the Name of *The First Baptist Society in Sydney*.

[This Act passed *February 1, 1799.*]

An ACT to incorporate fundry Inhabitants of the Town of *Blanford*, in the County of *Hampshire*, and of the Towns adjoining thereto, into a religious Society by the Name of *The Protestant Episcopal Society in Blanford*.

[This Act passed *February 2, 1799.*]

An ACT repealing the fourth enacting Clause of an Act, passed *June*, One thousand seven hundred and ninety-six, entitled, "An Act for incorporating certain Persons for the Purpose of building a Bridge over *Acushnet-River*, in the Town of *New-Bedford*."

[This Act passed *February 4, 1799.*]

Feb. 8, 1796.

An ACT in Addition to an Act, entitled, "An Act for incorporating certain Persons for the Purpose of building a Bridge over *Kennebeck-River*, at *Fort-Western*, in the Town of *Hallowell*."

[This Act passed *February 5, 1799.*]

An ACT exempting *Mile-Stream*, in the Towns of *Vassalborough*, *Winslow* and *Harlem*, from the Operation of all Laws regulating the Salmon, Shad and Alewife Fisheries in said Towns.

[This Act passed February 5, 1799.]

An ACT in Addition to an Act, entitled, "An Act directing that Pews and Rights in Houses of public Worship shall be considered as Real Estate, and for registering the same." Feb. 23, 1796.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all pews and rights in houses of public worship in the town of Boston, shall be considered and deemed in law to be personal estate; any thing in the Act to which this is in addition notwithstanding. Pews in Boston made personal estate.

[This Act passed February 5, 1799.]

An ACT in Addition to an Act made and passed in the Year of our LORD One thousand seven hundred and ninety-one,* entitled, "An Act directing the Manner in which Inquests of Office shall be taken to revest Real Estate in the Commonwealth, or to entitle the Commonwealth thereto." * 18th June.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, When it shall be found by the Attorney-General, for the time being, that there are any lands, tenements or hereditaments, which, for want of legal heirs, have accrued to the Commonwealth, that it shall be the duty of the Attorney-General to prosecute a suit by inquest of office in the Supreme Judicial Court in the county wherein such estate is situated, in order to cause the Commonwealth to become seized thereof; and that on such process and trial, the person, against whom such process and suit shall be so brought, shall not be allowed to give in evidence, or to avail himself of the title or right of any alien, or subject of another nation or sovereign, unless he can shew that he is tenant to, agent, servant or bailiff of such alien.* Attorney-General to prosecute certain evidence rejected conditionally.

SECT. 2. *And be it further enacted, If after the Commonwealth shall become so seized of such estate, as having accrued thereto for want of legal heirs, any person shall appear and make out his right to the same, and shall, in due process of law,* Heirs recovering estates of the Commonwealth—

To pay for all
improvements.

law, recover the same against the Commonwealth, its grantee, assignee or tenant, that the same estate shall, nevertheless, be liable to all expenses of improvement thereon made over and above the rents and profits thereof; and the Attorney-General, or the tenant, grantee or assignee of the Commonwealth, shall be empowered to file a bill in equity in the Supreme Judicial Court of the county where the land is, for the recovery of the same; and a summons shall be issued, with a copy of such bill thereunto annexed, and served on the owner of such land, or on his tenant, fourteen days before the sitting of the Court to which it may be returnable; and that the Supreme Judicial Court shall proceed to try the same by a Jury or otherwise, according to the principles of the Laws and Constitution of the Commonwealth, and shall issue an execution against such estate for the payment of such sum as shall be adjudged on such process; and the Sheriff or other officer, to whom the same shall be directed, shall, at public auction, sell so much of the same lands as shall be sufficient to pay the same, with all charges, unless the same shall be otherwise discharged.

Costs to be ad-
judged, under
certain circum-
stances.

SECT. 3. *And it is further enacted*, That if it shall appear to the Court that the person, against whom such estate shall be demanded, had, at the time of the service of the process upon him, a good and valid title in himself to the premises demanded, or that he then was in the possession of the same as the tenant, agent, servant or bailiff of any alien who had a right thereto, or to any part thereof,—then the Court shall award the defendant his full cost, which shall be paid out of the public treasury, according to the Constitution of the Government: But if such party had not a title in himself when the process was served upon him, nor was the tenant, agent, servant or bailiff of such alien at that time, but shall have afterwards acquired a title, been made a tenant, or become the agent, servant or bailiff of any alien, in whom such estate is,—then judgment shall be awarded against him for the full cost, and the Attorney-General shall cease to prosecute further on the process.

[This Act passed February 6, 1799.]

An ACT to incorporate *John D. Dennis*, and others, into a Society by the Name of *The Marblehead Marine Society*.

[This Act passed February 11, 1799.]

An ACT for changing the Name of *Isaac Vose*, to that of *Isaac D. Vose*.

[This Act passed February 12, 1799.]

An

An ACT in Addition to an Act, entitled, "An Act ^{June 25, 1795.} to incorporate sundry Persons by the Name of *The Massachusetts Fire Insurance Company.*"

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That said Company, from and after the passing of this Act, shall be known by the name of *The Massachusetts Fire and Marine Insurance Company*; and shall have full power, and are hereby authorized, in addition to their former powers, to make insurance on all vessels, goods, wares and merchandize at sea and water borne, against all such risks, perils and dangers, as are lawful and accustomed.

SECT. 2. *Be it further enacted,* That said Company shall not issue or subscribe any policy against any of the hazards aforesaid, until their present capital stock shall be augmented by adding thereto the sum of *Three Hundred Thousand Dollars*, to be divided into three thousand shares of *One Hundred Dollars* each, and until the sum of *One Hundred and Eighty Thousand Dollars* of said additional sum be actually paid into the office of said Corporation.

SECT. 3. *Be it further enacted,* That the remainder of said sum, together with the remainder of the first capital of said Company, now unpaid, shall be paid into the office of said Corporation within three years from the passing of this Act, in proportions of *One Hundred Thousand Dollars* annually, at such times of the year, and in such sums, as said Corporation may agree upon; any thing in the Act to which this is in addition to the contrary notwithstanding. And in case of loss, to the amount of the capital actually paid in, by reason of any insurance in said office, the said Corporation shall thereupon forthwith make such assessment or assessments, and collect the same, not exceeding the amount of the stock then due and unpaid, as may be necessary to discharge such loss: And every Stockholder who shall be delinquent in the payment of said assessments, and all others made for the regular paying in of said capital stock, shall be subject to the same suits, penalties and forfeitures, as in and by the said Act is provided.

SECT. 4. *And be it further enacted,* That the sum of *Three Hundred Thousand Dollars*, of the stock aforesaid, shall be solely appropriated for the payment of all losses incurred by said Company, by reason of any insurance against fire, until all the policies now actually subscribed by said Company have expired, or shall be otherwise legally discharged. And if any part of said sum shall be appropriated or applied to the payment of any loss incurred by reason of any insurance against the perils upon the seas, to the injury of the present assured in said office, the Directors of said Company making such appropriation, shall be held answerable, in their private capacity, to the amount thereof,

New title.

Increase of capital made necessary.

Whole capital to be paid in three years.

Complete payments to be at once demanded, if requisite from great loss.

300,000 Dollars appropriated for Fire-Insurance, exclusively.

thereof, to the party injured; excepting therefrom such Director who shall enter his protest, in writing, upon the records of the said Company, against such appropriation, at the time of making the same.

State of funds,
&c. to be published.

SECT. 5. *And be it further enacted*, That said Corporation, previous to their issuing any marine policy of insurance, shall publish in two of the *Boston* newspapers, the amount of their actual funds, the periods when the remainder will be paid, the greatest amount to be taken upon any one vessel or house, and the risks they propose to insure against; and they shall keep a fair printed copy thereof in some conspicuous place in their office, and publish the same annually. And the real estate, which said Corporation are authorized and empowered to hold and purchase for transacting the business of said Company, may be to the value of *Twenty Thousand Dollars*, and no more.

Allowed to
hold real
estate.

Limitation of
this Act.

SECT. 6. *And be it further enacted*, That this Act, and the Act to which it is in addition, and the powers and privileges granted by the said Acts respectively, shall be and remain in full force for the space of twenty years from the twenty-fifth day of *June*, one thousand seven hundred and ninety-five; any thing in either of the Acts aforesaid to the contrary notwithstanding.

President and
Director's private
estates liable,
in certain
case.

SECT. 7. *And be it further enacted*, That in case of any loss or losses taking place that shall be equal to the amount of the capital stock of said Corporation, and the President or Directors, after knowing of such loss or losses taking place, shall subscribe to any policy of insurance, their estates jointly and severally shall be accountable for the amount of any and every loss that shall take place under policies thus subscribed.

Affairs of the
Corporation
to be submitted
to General
Court.

SECT. 8. *And be it further enacted*, That the President and Directors of said Corporation shall, when and as often as required by the Legislature of this Commonwealth, lay before them such a statement of their affairs, as the said Legislature may deem it expedient to require, and submit to an examination thereon under oath.

Contracts confirmed.

SECT. 9. *Be it further enacted*, That all contracts heretofore entered into by said *Fire Insurance Company*, shall apply to the said *Marine and Fire Insurance Company*, as fully, to all intents and purposes, as they would have done to said *Fire Insurance Company* if this Act had never been passed.

Previous provisions
recognized.

SECT. 10. *And be it further enacted*, That all the provisions and regulations contained and expressed in the Act to which this is in addition, so far as the same renders the stock of the *Fire Insurance Company* liable to attachment, for the satisfaction of debts, and for preventing dividends in case the said stock shall be diminished by losses, shall have the same force and effect, touching the stock created by this Act, as if the same provisions and regulations were repeated and re-enacted in and by this present Act.

[This Act passed February 13, 1799.]

An

An ACT to empower the Inhabitants of the Town of *Boston* to choose a Board of Health, and for removing and preventing Nuisances in said Town. [See Board of Health, June 20, 1799, Sect. 23.]

[This Act passed February 13, 1799.]

An ACT in Addition to the Acts establishing the *First Massachusetts Turnpike Corporation*.

[This Act passed February 13, 1799.]

An ACT to set off that Part of the Estate of *Simeon Cutler* which lies in *Medway*, in the County of *Norfolk*, and to annex the same to the Town of *Holliston*, in the County of *Middlesex*, for the Purpose therein expressed.

[This Act passed February 13, 1799.]

An ACT to incorporate *Stephen Higginson*, and others, into a Company by the Name of *The Boston Marine Insurance Company*.

[This Act passed February 13, 1799.]

An ACT to change the Name of *Gideon Thayer*, to *Gideon Latimer Thayer*.

[This Act passed February 16, 1799.]

An ACT in Addition to an Act, entitled, "An Act for dividing and separating the Interest or Propriety in the Locks and Canals, opening and proposed to be opened on *Connecticut-River*, in the County of *Hampshire*, called the Upper and Lower Canals." Feb. 27, 1794.

[This Act passed February 19, 1799.]

An ACT in Addition to an Act, entitled, "An Act for regulating the taking of Shad, Alewives, and other Fish in *Neponset-River*, and the several Streams from the Ponds called *Punkapog* and *Massapog*." Mar. 10, 1797.

[This Act passed February 19, 1799.]

An

An ACT in Addition to an Act, entitled, "An Act to prevent Damage by mischievous Dogs," passed *February* twenty-fifth, One thousand seven hundred and ninety-two.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing this Act, it shall be the duty of every person in this Commonwealth, who is or may be the owner or keeper of any dog, and the parent, guardian, master or mistress of any minor or servant who is or may be the owner or keeper of any dog, to cause such dog so kept, constantly to wear a collar of some kind, with the name of the owner, and the town or place of his residence inscribed at length in legible letters on said collar.

Dogs to be provided with collars with the owner's name thereon.

SECT. 2. *And be it further enacted,* That it shall and may be lawful for any person, from and after the passing this Act, to kill any dog found going at large not wearing a collar as aforesaid.

Dogs without collars may be killed.

SECT. 3. *And be it further enacted,* That when any dog shall do any damage, either to the person or the property of any person, the owner or keeper of any such dog, and also the parent, guardian, master or mistress of any minor or servant who shall own or keep any such dog, shall be liable to such sum, in damages, as said person may have sustained by said dog; but the defendant, in any such action, may give any special matter in evidence, in excuse or justification, under the general issue; any law, usage or custom to the contrary notwithstanding.

Owners to be accountable for mischief of their dogs.

SECT. 4. *And be it further enacted,* That an Act, entitled, "An Act to lessen the dangerous evils of canine madness, and other injuries occasioned by dogs," passed *February* nineteenth, one thousand seven hundred and ninety-eight, be and the same is hereby repealed, excepting so far as relates to the prosecuting for any injuries, and the collecting any taxes, under said Act.

[This Act passed *February* 19, 1799.]

An ACT concerning the Proprietors of *Lebanon*.

[This Act passed *February* 19, 1799.]

Addit. Act,
June 21, 1799.

An ACT to divide the County of *Lincoln*, and to constitute the northerly Part thereof a separate County by the Name of *The County of Kennebeck*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,*

same, That the county of *Lincoln* shall be divided by a line beginning on the westerly line of the county of *Hancock*, at a place from which a line running west northwest shall strike the northeasterly corner of the town of *Harlem*; from thence running southeasterly by the easterly line of said town to the southeasterly corner thereof; thence southwesterly on a straight line to the northeasterly corner of *Pittston*; thence by the easterly line of said *Pittston* to the southeasterly corner thereof; thence westerly by the southerly line of said *Pittston* to the southwesterly corner of said town last mentioned; thence northwesterly by the westerly line of said *Pittston* to the mouth of *Purgatory-Stream* (so called) which empties itself into *Cobbescontee-Stream* (so called) thence west northwest to the east line of the town of *Monmouth*; thence southerly by the east line of said *Monmouth* to the southeasterly corner thereof; thence westerly by the southerly line of said *Monmouth* to the westerly corner of said town; thence west to the easterly line of the town of *Greene*; thence southerly by the easterly line of said *Greene* to the southeasterly corner thereof; and thence westerly by the southerly line of said *Greene* to *Androscoggin-River*, or the dividing line between the counties of *Cumberland* and *Lincoln*; and that the county of *Lincoln* aforesaid, be and the same is hereby declared to be bounded northerly and westerly by the line aforesaid.

Line of division.

SECT. 2. And be it further enacted by the authority aforesaid, That all and every part and parcel of the late county of *Lincoln*, situated on the northerly and westerly side of the aforesaid dividing line, and extending northerly and westerly, so as to comprehend all the territory lying between the counties of *Cumberland* and *Hancock*, and on the northerly and westerly side of the dividing line aforesaid, shall be and the same hereby is formed and erected into an entire and distinct county by the name of *Kennebeck*, of which *Augusta* shall be the shire or county town: And the inhabitants of the said county of *Kennebeck* shall have and possess, use, exercise and enjoy all the powers, rights and immunities which, by the Constitution and Laws of this Commonwealth, the inhabitants of any county within the same have, possess, use, exercise, enjoy, and are entitled to.

Constituting clause.

Augusta the shire town.

SECT. 3. And be it further enacted, That there shall be held and kept, within the said county of *Kennebeck*, a Court of General Sessions of the Peace, and a Court of Common Pleas, to be holden in and for the same county, at *Augusta* aforesaid, on the second Tuesdays of *June* and *December* annually, and also a Supreme Judicial Court, to be holden at *Augusta* aforesaid, in and for the same county, on the third Tuesday next following the fourth Tuesday of *June* annually; and the Justices of the said Court of General Sessions of the Peace, and Court of Common Pleas, when lawfully appointed,

Courts.

ed, commissioned and qualified, shall have, hold, exercise and enjoy all the powers and authority which are given and granted to Justices of like Courts in any other county within this Commonwealth; and all Judicial Courts within the county of *Kennebeck*, shall bear the same legal relation to each other, by process and legal proceedings of every kind, as the like Courts do in other counties of this Commonwealth.

SECT. 4. *And be it further enacted*, That the method and proceedings directed by law for choosing a County-Treasurer and Register of Deeds, and the modes, forms and proceedings known and practised in bringing forward and trying actions, causes, pleas or suits, and of originating and conducting legal processes of every kind, whether civil or criminal, in the Judicial Courts, established in the several counties in this Commonwealth, and for choosing persons to serve as Jurors at said Courts, shall be observed and put in practice, used and exercised within the said county of *Kennebeck*: *Provided however*, That the County-Treasurer and Register of Deeds for said county of *Kennebeck* shall, for the first time, originate in the same manner as is prescribed by law where vacancies happen by death or resignation.

SECT. 5. *And be it further enacted*, That deeds, conveyances and transfers of real estate of every kind, which shall happen or take place prior to the appointment of a person for Register of Deeds within and for said county of *Kennebeck*, and to his being qualified to discharge the duties of that office, may be recorded in the office of Register of Deeds in and for the county of *Lincoln*, and such registering shall have the same effect and operation as though recorded in the Registry of Deeds for said county of *Kennebeck*.

SECT. 6. *And be it further enacted*, That the several towns, districts and plantations within the said county of *Kennebeck*, shall pay to the Treasurer of the county of *Lincoln* their due proportion of all county-taxes that shall have been granted prior to the day when this Act shall begin to operate; and the Court of General Sessions of the Peace in and for the county of *Lincoln*, shall have the same powers and authority to proceed with and assess upon all such towns, districts and plantations severally, their due proportion of all such taxes which shall be granted as aforesaid, in the same manner as if this Act had never passed; and the Assessors of all such towns, districts and plantations, and the inhabitants thereof severally, shall be governed by and subject to the same laws of this Commonwealth, and held, bound and obliged to perform the same duties, and be under the same penalties, with respect to assessing and paying all such taxes, as if this Act had never passed; and the Treasurer of the said county of *Lincoln* shall be and hereby is directed and empowered to proceed in the same manner for the collection of such taxes, and shall have the same

County-Treasurer,
Register of
Deeds,

Juries, &c.

Proviso.

Deeds to be
registered in
Lincoln until
Kennebeck is
organized.

Inhabitants of
Kennebeck to
pay proportion
of existing *Lin-*
coln taxes.

Compulsory
process author-
ized in cases of
delinquency.

same powers and authority to collect and levy the same by warrants of distress, in due form of law, as if this Act had never passed. And all lawful precepts, issued by said Treasurer for the county of *Lincoln*, for the collection or levying such taxes, directed to the proper officer within and for the county of *Kennebeck*, shall be duly obeyed by such officer, under the same penalty; and such officer shall be liable to be proceeded with, for any default therein, in the same manner as in like cases where a similar default happens in any county in this Commonwealth, within and to which both said Treasurer and Officer belong: And the said county of *Kennebeck* shall be held to pay their due and just proportion of all debts that shall be due and owing from the said county of *Lincoln* on the day and time when this Act shall come into operation. And after the payment of such debts, shall be entitled to their due proportion of all monies and credits which may belong to the present county of *Lincoln* on the first day of *April* next.

Kennebeck to discharge proportion of existing Lincoln debts.

SECT. 7. *And be it further enacted*, That this Act shall begin to operate and be in force on the first day of *April* next, and not before.

Commencement of this Act.

SECT. 8. *And be it further enacted*, That all actions and civil suits, of every name and kind now pending in the Supreme Judicial Court, next to be holden in and for the county of *Lincoln*, and for the counties of *Lincoln*, *Hancock* and *Washington* in *July* next, or which may be commenced and brought forward to have day in said Supreme Judicial Court before the said first day of *April* next, in which real estate shall be sued for that is situated in the county of *Kennebeck*, or in which the original plaintiff or plaintiffs, petitioner or petitioners, one or more of them reside within said county of *Kennebeck*, or in which the original plaintiff or plaintiffs, petitioner or petitioners do not live or reside within the present county of *Lincoln*, and the adverse party do live and reside within the county of *Kennebeck*, and all indictments and criminal prosecutions of every kind for offences committed within the county of *Kennebeck*, together with all recognizances, *Scire Facias*, and suits wherein the Commonwealth is a party, and the adverse party resides within the county of *Kennebeck*,—shall be transferred and removed to, be heard, tried and have day, entered and proceeded upon, in the said Supreme Judicial Court, which shall be next holden in and for said county of *Kennebeck*; and all the papers and documents belonging to all such actions, suits, petitions, indictments, criminal prosecutions and recognizances that shall be filed in the Clerk's office of said Court within the county of *Lincoln*, shall be delivered over by him to the Clerk of said Court that shall be appointed for the said county of *Kennebeck*. And all actions and civil suits of every kind pending in the Courts of General Sessions of the Peace and Common Pleas, which by law are to

Removal of actions authorized.

Documents delivered to Clerk of Kennebeck Courts.

be holden at *Pownalborough*, in and for the county of *Lincoln*, on the first Tuesday of *June* next, or which shall be commenced or brought forward to have day in either of said Courts last mentioned before the first day of *April* next, or before a Clerk shall be duly appointed and qualified as such for said Courts, in and for the said county of *Kennebeck*, in which real estate shall be sued for, that is situated in the county of *Kennebeck*, or the original plaintiff or plaintiffs, petitioner or petitioners, one or more of them reside in the county of *Kennebeck*, or in which the original plaintiff or plaintiffs, petitioner or petitioners do not live or reside within the present county of *Lincoln*, and the adverse party do live or reside within the county of *Kennebeck*, and all indictments and criminal prosecutions of every kind for offences committed within the county of *Kennebeck*, together with all recognizances, *Scire Facias*, and suits wherein the Commonwealth are a party, and the adverse party live or reside within the county of *Kennebeck*—shall be transferred and removed to, be heard, tried, and have day, entered and proceeded upon, in the said Courts of General Sessions and Common Pleas respectively, which shall next be holden within and for the county of *Kennebeck*; and all papers and documents belonging to such actions, suits, indictments and criminal prosecutions, filed in the office of the Clerk of said Courts last mentioned, for the county of *Lincoln*, shall be by him delivered over to the Clerk of the same Courts for the county of *Kennebeck*.

Laws respecting Courts repealed.

SECT. 9. *And be it further enacted*, That all laws heretofore made, providing for holding Courts of General Sessions of the Peace and Common Pleas, for the county of *Lincoln*, at *Augusta*, on the second Tuesday of *January*, and at *Waldoborough*, on the second Tuesday of *September* annually, be and the same are hereby repealed; and instead thereof,

Courts at Warren.

SECT. 10. *Be it further enacted*, That there shall be held and kept a Court of General Sessions of the Peace, and a Court of Common Pleas, at *Warren*, in and for the county of *Lincoln*, on the first Tuesday of *November* annually.

Senators.

SECT. 11. *And be it further enacted*, That the said county of *Kennebeck*, for the choice of Senators, shall be considered as forming a part of the district heretofore known by the name of the counties of *Lincoln*, *Hancock* and *Washington*, any thing in this Act to the contrary notwithstanding; and that the inhabitants thereof shall have and enjoy the same rights and privileges, with respect to the election of Senators, as if this Act had never passed; and the several towns and plantations within that part of the county of *Kennebeck*, which is comprehended within the First Eastern District for the choice of Federal Representative, shall have and enjoy the same rights and privileges, and be subject to the same restrictions, as are provided by law; and all returns of votes for Senators and Federal

eral Representatives, within the county of *Kennebeck*, shall be made in the same manner, and under the same penalties, as is by law provided in other counties within this Commonwealth.

[This Act passed February 20, 1799.]

An ACT to alter the Name of *Jeremiah Williams*, to the Name of *Jeremiah Wadsworth Williams*.

[This Act passed February 21, 1799.]

An ACT to incorporate a Number of the Inhabitants in the Town of *Wrentham*, in the County of *Norfolk*, into a religious Society by the Name of *The Congregational Society in Wrentham*.

[This Act passed February 21, 1799.]

An ACT enabling Proprietors of Aqueducts to manage the same.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That when any number of persons shall, by writing, associate and become Proprietors of any Aqueduct, or of any funds raised for making and constructing the same, for the purpose of conveying fresh water, by subterraneous or other pipes, into any town or place within this Commonwealth; it shall be lawful for the Proprietors of a major part of the shares, to apply, in writing, to some Justice of the Peace for the county in which the said Aqueduct may be or is proposed to be placed, stating in such written application, the name and style of their Association, the objects of their proposed meeting, and requesting such Justice to issue his warrant to some one of the Proprietors so applying, directing him to call such meeting: And such Justice is hereby authorized to issue his warrant accordingly, therein stating the time, and place, and objects of the said meeting. And such proprietor shall notify and warn such meeting, by posting up the said warrant or a true copy thereof, with his notice, seven days at least before the said meeting, in some public place in the town and towns in which the said Aqueduct may be or is proposed to be placed. Calling meetings.

SECT. 2. *Be it further enacted,* That the Proprietors of any such Aqueduct or fund, duly met and assembled in pursuance of any such warrant, and their successors, shall be a corporation and body politic, by the name and style aforesaid; and at such meeting of said Proprietors, or of any number of them, they shall have power to agree upon the method of calling future meetings of the Corporation. Constituted a Corporation.

SECT. 3. *Be it further enacted*, That at any legal meeting of said Proprietors, or of any number of them, they shall have power to choose a Clerk, whose duty it shall be fairly and truly to enter and record, in a book or books to be provided and kept for that purpose, this Act, and all rules, by-laws, votes and proceedings of such Corporation; which book and books shall, at all times, be subject to the inspection of any person appointed for that purpose by the Legislature. And the said Clerk shall be sworn to the faithful discharge of the duties of his office; and at any such meeting, the said Proprietors, or any number of them duly met as aforesaid, shall have power to elect a Moderator, and any such number of Directors, to manage the prudential business of said Corporation, as to them may appear expedient; and such Directors, or a major part of them, are hereby authorized from time to time to assess such taxes on the Proprietors of the shares in such Aqueduct, or in the funds which may be raised for making and constructing such Aqueduct, as they shall find necessary; and on the neglect or refusal of any Proprietor to pay such tax, to sell at public vendue so many of his or her shares as will be sufficient to pay such taxes, with necessary intervening charges; first advertizing the sale of such share or shares in some newspaper printed in the county, or by posting up notifications thereof in some public places in the town and towns wherein such Aqueduct may be or is proposed to be placed, twenty days at least previous to such sale; and the overplus monies (if any there may be) arising from such sale, shall be paid to the owner or owners of the share or shares so sold. And the said Proprietors, or any number of them duly met as aforesaid, may, at any of their meetings, elect any other officer or officers, or act upon any other thing necessary for carrying into effect the objects of their institution: *Provided*, That the subject-matter thereof be expressed in the warrant or notification for such meeting.

SECT. 4. *Be it further enacted*, That in all meetings of such Proprietors, each Proprietor shall be entitled to one vote for each and every share he or she may hold in such Aqueduct or fund; and they are also hereby respectively empowered to depu-
 Voting. te and appoint any other person to appear and vote for him or them in such meetings; the appointment to be in writing, signed by the person or persons to be represented, and filed with or recorded by the Clerk of such Corporation.

SECT. 5. *Be it further enacted*, That the said Proprietors, or any number of them duly met as aforesaid may, at any of their meetings, enjoin and order fines and penalties, for the breach of any by-law of such Corporation, not exceeding *Thirty Dollars* for any one breach.

SECT. 6. *Be it further enacted*, That any such Corporation shall have power to purchase, take and hold any real estate
 Fines. Real estate may be held. necessary

necessary for the purpose of their institution: *Provided*, That the real estate which any one Aqueduct Corporation may hold shall not exceed *Thirty Thousand Dollars* in value. And all such real estate shall, during the continuance of such Corporation, be deemed and considered, to all intents and purposes, as personal estate, and as such, with the other interest and estate in such propriety, shall be transferable by such mode of transfer as such Corporations, at any of their meetings, shall agree on and determine: *Provided however*, That the transfer shall be in writing, and recorded by the Clerk of the Corporation in the book or books aforesaid, within three months next after such transfer shall be made.

Proviso.

Transfer.

SECT. 7. *Be it further enacted*, That such Proprietors or Corporation, when they shall find it necessary, shall have power to enter upon, dig up and open any such parts of the streets, highways or townways in any place within this Commonwealth, for the purpose of placing such pipes as may be necessary for making and constructing such Aqueduct, or for repairing or extending the same, as the Selectmen of the town, or the major part of them for the time being, shall, in writing, authorize and allow: *Provided*, Such Selectmen shall not have power to authorize and allow any such streets, highway or townway to be entered upon, dug up or opened, so as to obstruct or hinder the citizens of the Commonwealth or others from conveniently passing therein with their teams and carriages.

Highways
may be dug
up.

Proviso.

SECT. 8. *Be it further enacted*, That to the end that the Proprietors of the shares in any such corporate property may be known, it shall be the duty of the Clerk of any such Corporation, at or immediately after the first meeting, to enter in the book or books aforesaid, the names of the several Proprietors, and the shares and parts of shares each Proprietor shall own; and when any share or part of a share shall afterwards be sold for taxes or otherwise transferred, such sale or transfer shall be entered by said Clerk in such book or books, in such form, and for such fees, as the Director shall appoint; and no person shall be deemed a Proprietor whose share or interest shall not be so entered.

Members'
names to be
recorded.

SECT. 9. *Be it further enacted*, That notwithstanding the dissolution of any such Corporation, all contracts made by or with such Corporation shall remain in full force, and the last Proprietors or share-holders shall have a corporate capacity, until all contracts and agreements made by or with them prior to such dissolution shall be performed, and are and shall be capable and liable, in and by the same name and capacity as before such dissolution, to sue and be sued, and, by their agent or agents, to prosecute and defend in all actions, suits and demands, respecting such contracts and agreements, until final judgment and execution. And if no corporate property can

Individuals
liable to all
contracts, in
case of Soci-
ety's dissolution.

be found to satisfy any judgment which may be recovered against them as aforesaid, and such judgment shall not be satisfied within six months after the same shall have been recovered; it shall be lawful for the judgment-creditor to satisfy his judgment and execution out of the private estate of such Proprietors or of any of them, in the same way and manner as if the judgment had been against him or them in his or their private capacity: *Provided*, That each and every such action shall be commenced within six years next after such dissolution, or within the like time next after such right of action shall accrue. And in case any such Corporation shall, at its dissolution, be seized or possessed of any estate, the several Proprietors, at such dissolution, shall become tenants in common thereof, in such proportions as they shall respectively then hold their shares and parts of shares therein, and upon such tenure as the Corporation would have held the same, had not provision been herein made for making all their property personal estate. And all shares in such Aqueducts shall be liable to be attached on mesne process, and taken in execution for the debts of the owner thereof: *Provided*, That when any share or part of a share or shares shall be so attached, an attested copy of the process shall be left with the Clerk of the Corporation fourteen days before the day of the sitting of the Court to which the same shall be returnable. And when any such share or part of a share or shares shall be taken and sold on execution, the officer shall leave with such Clerk an attested copy of the execution, and of his return thereon, within ten days next after such sale.

Proviso.

Proprietors to share the corporate property, in case of Society's dissolution.

Proviso.

Penalty for injuring Aqueducts.

Appropriation.

Water may be drawn off, in case of fire.

Proviso.

SECT. 10. *Be it further enacted*, That if any person shall maliciously or wantonly injure any such Aqueduct, he or she shall forfeit and pay a sum not exceeding *Twenty Dollars*, to be recovered by indictment in the Supreme Judicial Court or Court of General Sessions of the Peace,—one moiety thereof to the prosecutor—and the other moiety thereof to the use of the town in which such offence shall have been committed; and shall also be liable to pay treble damages to the Corporation so injured, to be recovered by action in the case, with costs of suit.

SECT. 11. *Be it further enacted*, That any town in which any such Aqueduct shall be placed, shall have the privilege of placing conductors into and from the pipes and conductors laid by any such Corporation, for the purpose of drawing such water therefrom, as may be necessary when any building shall be on fire in such town, and of drawing water therefrom on such occasions, without paying such Corporation any price therefor: *Provided*, That every such town shall be holden to secure such conductors so by them placed, in such manner that water cannot be drawn therefrom unless by the orders of the Selectmen or Firewards of the town wherein the same may be placed.

SECT.

SECT. 12. *Be it further enacted*, That when any such Aqueduct shall be or proposed to be placed so as to extend into several counties, application may be made to, and a warrant issued by a Justice of the Peace of either of such counties, in the manner, for the purpose, and with the effect provided and enacted in the first section of this Act.

When an Aqueduct enters two counties, a Justice in either may issue warrant.

[This Act passed February 21, 1799.]

An ACT to cede to the United States a Tract of Land at Gay-Head, for a Light-House.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there be and hereby is granted to the United States of America a tract of land, and the jurisdiction thereof, not exceeding four acres of land, situated at that part of Martha's-Vineyard called Gay-Head, for the purpose of erecting a Light-House on the same; which quantity of land shall be laid out by the United States at the time of erecting said Light-House, and a description thereof, in writing, entered in the Registry of Deeds in the county wherein the same shall be situated.

Land granted.

For what purpose.

Description to be registered.

SECT. 2. *Provided nevertheless, and be it further enacted*, That if the said United States shall neglect, for the term of four years from the date of this grant, to erect a Light-House on some part of the said four acres, and after the same shall be erected shall neglect to keep the same in good repair, and a state useful to navigation; then this grant shall be void. *Provided also*, That this Commonwealth shall retain and hereby does retain a concurrent jurisdiction with the said United States in and over the same four acres, so far as that all civil and criminal processes issued under the authority of this Commonwealth or any officers thereof, may be executed in any part of the same four acres granted as aforesaid, or in any building thereon to be erected, in the same way and manner as if the jurisdiction had not been granted as aforesaid. *And provided further*, That if the said United States shall, at any time hereafter, make any compensation to any of the United States for any cession made for the purposes of this grant, like compensation to be made to this Commonwealth by the United States for the present grant, according to its value.

Cession to be void, in certain case.

Concurrent jurisdiction retained.

Compensation expected, in certain case.

[This Act passed February 22, 1799.]

An ACT to incorporate the Inhabitants of the northernly Part of the Town of Wrentham, in the County of Norfolk, into a separate Parish.

[This Act passed February 26, 1799.]

An

An ACT providing for the safe keeping the Records of the several Notaries Public in this Commonwealth.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That on the death, resignation or removal from office of any Notary Public within this Commonwealth, the records of the said Notary Public, together with all the papers relating to the business of the office, shall be deposited in the office of the Clerk of the Court of Common Pleas for the same county in which the said Notary Public resided. And any Notary Public who, on his resignation or removal from office, shall neglect to deposit such records and papers in the Clerk's office as aforesaid, for the space of three months, shall forfeit and pay a sum not less than *Fifty Dollars*, nor more than *Five Hundred Dollars*. And if any Executor or Administrator of any deceased Notary Public shall neglect to lodge said records or papers as aforesaid, which shall come into his hands, in the Clerk's office, for the space of three months after his acceptance of that trust, he shall forfeit and pay a sum not less than *Fifty Dollars*, nor more than *Five Hundred Dollars*. And if any person shall knowingly destroy, deface or conceal any records or papers of any Notary Public, he shall forfeit and pay a sum not less than *Two Hundred Dollars*, nor more than *One Thousand Dollars*, and shall be moreover liable to an action for damages by the party injured.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the several Clerks of the Courts of Common Pleas, to receive and safe keep all the records and papers directed by this Act to be deposited in their offices, and give attested copies of any of said records or papers, when required; for which service, each Clerk shall be allowed the same fees as are or may be allowed by law to Notaries Public. And copies so given by the said Clerks, are hereby declared to be as valid as if the same had been given by the said Notaries. And all forfeitures under this Act, shall be,—one half to the Commonwealth—the other half to him or them who shall sue for the same, to be recovered in an action of debt, in the county where such Notary Public resided.

[This Act passed February 26, 1799.]

An ACT to incorporate a Society by the Name of
The Roxbury Charitable Society.

[This Act passed February 26, 1799.]

An ACT specifying the Evidence to accompany Accounts exhibited for the Support of the Poor of the Commonwealth.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Selectmen or Overseers of the Poor in the several towns and districts within this Commonwealth, when they shall make application to the General Court for payment of any expenses which may have accrued for supporting any poor person, shall be required to make and exhibit a certificate, setting forth the place from whence such person came, the time of his or her coming into this Commonwealth, and where he or she shall have resided subsequent to his or her coming into the same, and that he or she has not gained a settlement in any town or district within the Commonwealth in any of the ways pointed out in an Act passed *February* eleventh, in the year of our Lord seventeen hundred and ninety-four, specifying what shall constitute a legal settlement: And also, that he or she has no kindred within the Commonwealth by law obliged to support him or her. And in case such person came into this Commonwealth before the tenth day of *April*, in the year of our Lord seventeen hundred and sixty-six, whether he or she was warned according to law to depart from the town or district wherein he or she resided. And if such application be for payment of expenses incurred for the support of a woman who shall have married a person not an inhabitant of this Commonwealth, or for the child of such woman; then the said Selectmen or Overseers shall be required to certify, that such woman or child has no legal settlement in any place in this Commonwealth, according to the existing laws for determining questions of habitancy; in all which certificates the said Selectmen or Overseers shall certify, that they make the same on the best evidence they can obtain.

What is to be certified.

SECT. 2. *Be it further enacted,* That a Resolve passed the twenty-ninth day of *February*, in the year of our Lord one thousand seven hundred and ninety-six, establishing the evidence to accompany accounts exhibited for the support of the State Poor, be and hereby is repealed.

Former law repealed.

[This Act passed *February* 26, 1799.]

An ACT to set off a Tract of Land from the Towns of *Athol* and *Gerry*, and to annex the same to the Town of *Royalston*.

[This Act passed *February* 26, 1799.]

An

An ACT to continue in Force an Act passed in the Year of our LORD One thousand seven hundred and ninety-six, entitled, "An Act establishing and regulating the Fees of the several Officers and other Persons hereafter mentioned, and for repealing the Laws heretofore made for that Purpose."

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Act be and hereby is continued in force until the last day of August, in the year of our Lord one thousand and eight hundred; any thing in any Act to the contrary notwithstanding.

[This Act passed February 26, 1799]

An ACT for regulating the Manufacture and Sale of Bread.

Preamble.

WHEREAS it is expedient that so necessary an article of consumption as Bread, should be so far regulated, that the citizens of this Commonwealth might not be exposed to fraud, as to the weight of Bread; and as it is highly reasonable that Bread, like every other article of commerce or manufacture, should be sold by some common standard, easily discernible by the purchaser:

To be sold by weight.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of April next, all soft Bread, whether baked in loaves or biscuit, which shall be exposed to sale by any baker or other person, shall be sold by weight.*

Biscuit—

Loaves—

Penalty.

Appropriation.

SECT. 2. *Be it further enacted by the authority aforesaid, That all soft Biscuit which shall hereafter be offered for sale, shall weigh four or eight ounces, and be marked with the maker's name; and all Loaves of soft Bread, shall be of some one of the following weights, viz. one pound, two, three or four pounds: And if any baker or other person shall offer or expose to sale, any soft Bread or Biscuit which shall not severally conform to one of the weights before mentioned, every such person so offending shall forfeit and pay the sum of Ten Dollars, to be recovered by action of debt, before any Justice of the Peace within and for the county where such offence shall happen, by any person who shall sue for the same, together with legal cost,—one half of the penalty aforesaid to be to his own use—and the other half to the use of the poor of the town where such baker resides.*

SECT. 3. *And be it further enacted, That all laws heretofore made for regulating the assize of Bread, be and hereby are repealed,*

pealed, from and after the first day of *April* afore said; except- Former laws repealed.
 ing so far as relates to the recovery of any forfeiture, fine or
 penalty incurred, or which may be incurred, previous to that
 time, by a breach of any of said laws.

SECT. 4. *Be it further enacted*, That this Act shall continue
 and be in force two years from and after the said first day of Act limited.
April next.

[This Act passed *February* 26, 1799.]

An ACT to confirm the Sales by the south Parish
 in *Scituate*, in the County of *Plymouth*, of certain
 Lands given for the Use of the Ministry in said
 Parish, and to incorporate certain Persons as Trus-
 tees to manage the Funds raised by said Sales for
 the permanent Support of the Gospel Ministry in
 said Parish.

[This Act passed *February* 26, 1799.]

An ACT to set off Part of the Town of *Dighton*, in
 the County of *Bristol*, and to annex the same to
 the Town of *Berkley*, in said County.

[This Act passed *February* 26, 1799.]

An ACT altering the Name of *William Roberts*, to
William Leate Roberts.

[This Act passed *February* 26, 1799.]

An ACT for establishing an Academy in the south
 Precinct of *Bridgewater*, by the Name of *Bridge-
 water Academy*.

[This Act passed *February* 26, 1799.]

An ACT to annex the Township *Number Four*, in
 the first Range, north of the *Waldo-Patent*, to the
 County of *Kennebeck*.

[This Act passed *February* 28, 1799.]

An ACT to prohibit the taking of Stones, Gravel or Sand from the Beaches in the Town of *Chelfea*.

[This Act passed *February* 28, 1799.]

An ACT to set off Part of the Town of *Woburn*, in the County of *Middlesex*, and to incorporate it into a Town by the Name of *Burlington*.

[This Act passed *February* 28, 1799.]

An ACT to apportion and assess a Tax of *One Hundred and Thirty-Three Thousand, Four Hundred and Thirty-Five Dollars and Thirteen Cents*; and providing for the Reimbursement of *Twenty-One Thousand Four Hundred and Thirty-Eight Dollars*, paid out of the public Treasury to the Members of the House of Representatives for their Attendance the two last Sessions of the General Court.

[This Act passed *February* 28, 1799.]

An ACT to alter the Time of holding the Courts of General Sessions of the Peace and Court of Common Pleas in the County of *Washington*.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That an Act, entitled, "An Act determining at what time and place the Courts of General Sessions of the Peace and Courts of Common Pleas shall be holden within the county of *Washington*," * be and the same hereby is repealed; and that from and after the passing of this Act, the said Court of General Sessions of the Peace, and Court of Common Pleas, shall be holden at *Machias*, in the said county of *Washington*, on the third Tuesday of *August* annually; and that all writs, recognizances and process which have been, or may be commenced to, or taken for, either of said Courts to be holden at *Machias*, on the first Tuesday of *October* next, shall be returnable to, be entered, have day in, and be proceeded upon, in the said Courts to be holden on the said third Tuesday of *August* next; and all matters and things be done and performed by said Courts on the said third Tuesday of *August*, in the same manner as they might have been done and performed by the said Courts on the first Tuesday of *October* next, if this Act had not been passed.

[This Act passed *March* 1, 1799.]

* June 27,
1792.

Courts to sit on
3d Tuesday of
August.

An ACT in Addition to an Act, entitled, "An Act Nov. 4, 1785.
for giving Remedies in Equity."

SECT. 1. *BE it enacted by the Senate and House of Representatives,
in General Court assembled, and by the authority of the
same,* That where any mortgagee or vendee, claiming any lands
or tenements granted upon condition by force of any deed of
mortgage or bargain and sale with defeasance, or any person
claiming and holding under them, have lawfully entered and
obtained, or shall lawfully enter and obtain the actual posses-
sion of such lands or tenements, for the condition broken,
the mortgager or vender, or other person lawfully claiming
under them, shall have right to redeem the same, at any time Right of re-
demption.
within three years next after such possession obtained, and not
afterwards; and upon payment, or tendering of payment of
the original debt and damages, with lawful interest and costs,
or performing, or tendering performance of such other con-
dition, as the case may require, or such part thereof as was
remaining unpaid or unperformed at the time of such entry,
together with such further reasonable sums as may have been
disbursed and expended in necessary repairs of fences and
buildings, and for the advancing and bettering such estate,
over and above what the rents and profits thereof, upon a just
computation, shall amount to, to such mortgagee, vendee or
person lawfully claiming and holding under them, and in pos-
session as aforesaid, within the time aforesaid; such mort-
gagee, vendee, or other person claiming and in possession as
aforesaid, to whom such tender has been or shall be made, shall
be obliged to accept such payment, or other performance of
the condition, and thereupon to restore and deliver posses-
sion of such estate, and seal, execute, acknowledge and deliver
a good and sufficient deed in the law of release and quitclaim,
and all his right therein, to the person making such tender,
having lawful right to redeem the same. And if, on payment
or tendering of payment, performing or tendering of perform- Process, in case
of refusal of
mortgagee to
surrender es-
tate.
ance as aforesaid, such mortgagee, vendee, or person lawfully
claiming or holding under them, and in possession as aforesaid,
doth or shall refuse or neglect to deliver possession, and release
his right in such estate as aforesaid; such mortgager, vender,
or other person lawfully claiming as aforesaid, may have his
bill in equity originally triable in the Supreme Judicial Court
or Court of Common Pleas in the county where the estate
lies, and shall insert the same in a writ of attachment or original
summons, returnable to the Court whose seal it shall bear, and
shall cause such writ to be served on the adverse party, as
other writs of attachment or original summons are by law to
be served.

SECT. 2. *Be it further enacted by the authority aforesaid,* That Justice direct-
ed.
the Justices of either of said Courts are hereby empowered
and

and authorized to receive and hear every such cause as shall be brought before them as aforesaid; and on consideration of the several pleas and allegation made by either party (or by the party complaining, only in case the other party upon being duly called does not appear, but makes default) to decree and enter up judgment therein, agreeably to equity and good conscience, and to award execution accordingly; and in case of the non-appearance of the party complained of, or of his refusal to accept such sum as the Court shall adjudge to be due, or to accept such other Act or thing as the Court shall adjudge a reasonable and equitable performance of the condition of the deed, and thereupon to restore possession and execute a release as aforesaid, such sum being left in the custody of the Court on behalf and for the use of such party, or such other act or thing as the Court shall order and direct being done by the complainant,—judgment shall be entered up for the complainant to recover possession of such estate, and execution shall issue accordingly; and the Court may, at their discretion, award costs to either party, as equity may require. *Provided*, That nothing herein contained shall be construed to prevent an appeal from the judgment of any Court of Common Pleas rendered upon any process given by force of this Act.

Proviso.

Rights of redemption may be attached for debt.

SECT. 3. *Be it further enacted*, That all rights in equity of redeeming real estate mortgaged, shall be liable to be attached on mesne process, and taken in execution upon judgment for the payment of the just debts of the mortgager or owner; and the officer having such execution is hereby authorized to make sale of the same at public vendue, and to make, execute, acknowledge and deliver to the highest bidder good and sufficient deed or deeds of any estate so sold, in manner as is herein after expressed.

Sheriff directed to sell at vendue estates taken by execution.

SECT. 4. *Provided always, and be it further enacted*, That the officer shall give notice, in writing, of the time and place of sale to the debtor in person, or by leaving the same at his last and usual place of abode, and public notice of the said time and place of sale, by posting up notifications thereof in two or more public places in the town, district or plantation in which such mortgaged estate is situated, and also in one or more public places in two adjoining towns, thirty days at least before the time of sale; and further, shall cause an advertisement of the time and place of sale to be published three weeks successively before the day of sale in some public news-paper printed in the county in which such real estate lies, if any such news-paper shall be there printed. And the notifications aforesaid, being given or posted up within the space of thirty days after judgment given, whereon such execution shall issue, the attachment shall hold the equity, attached as aforesaid, until the levy of such execution can be completed in manner hereinafter described. And in case the estate notified for sale

sale

sale as aforesaid, shall not be disposed of at the time and place appointed, the officer shall adjourn the vendue, not exceeding three days, and so from time to time until the sale shall be completed. And the surplus monies (if any there shall be) arising from such sale, beyond satisfying the debt, costs and necessary intervening charges, the officer shall return to the debtor.

SECT. 5. *Be it further enacted,* That all deeds made and executed as aforesaid, shall be as effectual, to all intents and purposes, to convey the debtor's right in equity aforesaid, to the purchaser, his heirs and assigns, as if the same had been made and executed by such debtor or debtors : *Provided always,* That every such debtor shall have liberty to redeem the right in equity so sold, within three years next after the time of executing the deed or deeds thereof, in manner aforesaid, by paying the sum which may by such sale have been satisfied on such execution, with the interest thereof, and also such sum, with the interest thereof, as the purchaser may have paid to the mortgagee, his heirs and assigns, deducting the rents and profits the purchaser or any under him may have received over and above the repairs and betterments made by the purchaser or any under him.

The debtor further allowed to redeem.

Proviso.

SECT. 6. *Be it further enacted,* That when any action shall be brought and prosecuted on any bond or other specialty, with penalties, for the payment of sums of money, performance of covenants, contracts, agreements, matters or things to be done at several times, and the plaintiff recover the forfeiture of such penalty; the Court shall enter up judgment for the whole of such forfeiture, and award execution only for so much of the debt or damage as is due or sustained at that time, so always that the said judgment shall stand and be a security to the plaintiff, his executors and administrators for any further and after payment or damages he or they may have just right to, by the non-performance or breach of the covenants, contracts, agreements, or things in such bonds or other specialties contained, and who may have a writ or writs of *Scire Facias* on said judgment, from such Court where the same was obtained, against the defendant, his heirs, executors or administrators, suggesting other and further damages sustained by non-performance or breach of such covenants, contracts, and agreements, and to summon him or them to shew cause why execution should not be awarded upon said judgment for other and further damages, as set forth in the writ, and made out to the Court; upon which the Court shall proceed as aforesaid, as often as such damage shall accrue, and be sued for as aforesaid; or may have his action of debt, or on the case, as the case may require, for such payment or damages as aforesaid.

Case of recovery on breach of bond, &c.

SECT.

Former laws
repealed.

SECT. 7. *And be it further enacted*, That an Act for hearing and determining cases in equity, passed *Anno Domini* one thousand six hundred and ninety-eight, an Act in addition thereto, passed *Anno Domini* one thousand seven hundred and thirty-five, and an Act in explanation of and further addition to the Act for making lands and tenements liable to the payment of debts, passed the same year one thousand seven hundred and thirty-five, be and they hereby are repealed. *Provided nevertheless*, That with regard to all suits and causes of suits, and all rights depending, existing or required, under and by force of said Acts, or any of them, they shall be considered as in full force.

[This Act passed March 1, 1799.]

An ACT to regulate the taking of the Fish called Alewives, in *Monatiquot-River*, in the Town of *Braintree*.

[This Act passed March 1, 1799.]

An ACT for establishing an Academy in the Town of *Framingham*, by the Name of *Framingham Academy*.

[This Act passed March 1, 1799.]

An ACT for changing the Name of *William Boardman*, to that of *William Henderson Boardman*.

[This Act passed March 1, 1799.]

Mar. 2, 1798.

An ACT in Addition to, and for the Amendment of an Act, entitled, "An Act to prevent the Destruction, and to regulate the catching of the Fish called Alewives, in the Rivers and Streams in the Town of *Falmouth*, in the County of *Barnstable*."

[This Act passed March 1, 1799.]

An ACT for regulating the Fishery in the Town of *Woolwich*, in the County of *Lincoln*.

[This Act passed March 1, 1799.]

An ACT regulating the taking of the Fish called Alewives, in *Island-Creek-Brook* (so called) in the Town of *Duxbury*.

[This Act passed *March 1, 1799.*]

An ACT establishing *The Williamstown Turnpike Corporation*. *June 22, 1799.*

[This Act passed *March 1, 1799.*]

An ACT for establishing a Corporation by the Name of *The Fifth Massachusetts Turnpike Corporation*.

[This Act passed *March 1, 1799.*]

An ACT to set off a Tract of Land commonly called *The Elbows*, in *Springfield*, in the County of *Hampshire*, and to annex the same to the Town of *Wilbraham*.

[This Act passed *June 11, 1799.*]

An ACT altering the Name of *Oliver Pond*, third, to *Oliver N. Pond*.

[This Act passed *June 14, 1799.*]

An ACT to continue in Force, for certain Purposes, an Act, entitled, "An Act for rendering Processes in Law less expensive." *Feb. 14, 1789.*

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Act be and the same is hereby revived and continued in force, so far as to authorize the several Justices of the Peace within this Commonwealth, before whom processes may have been commenced under said law prior to the first day of June, instant, to render judgment, issue execution, and do all such matters and things, relating to such processes, as they might have done, and in the same manner, as if the said law were yet in full force.

[This Act passed *June 14, 1799.*]

An ACT to incorporate fundry Persons by the Name
of *The President, Directors and Company of the Port-
land Bank.*

Preamble.

WHEREAS *Joseph M'Lellan*, and others, have, by their petition to this Court, set forth, that they have subscribed to a fund for the establishment of a Bank in the town of *Portland*, and have prayed to be incorporated for that purpose :

Persons incor-
porated for a
limited time.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Joseph M'Lellan, Hugh M'Lellan, Lemuel Weeks, Daniel Tucker, James Dearing, Ebenezer Mayo, Thomas Sandford, Elias Thomas, Isaac M'Lellan, Isaac Gage, Ezekiel Day, Ebenezer Storer, John Mussey, Arthur M'Lellan, James Neil, Asa Clap, William Martin, Ruth Jewett, Joseph Ingraham, Woodbury Storer, William Symmes, Salmon Chase, James D. Hopkins, William Codman, David Smith, Thomas Webster, James Jewett, James Codman, Matthew Cobb, Stephen M'Lellan, Daniel Davis, Robert Boyd, Daniel How, William Hudson, Enoch Ilsey, William M'Neil, third, Samuel Hussey Stevens, Thomas Hovey, John Tabor, their associates, successors and assigns, shall be and hereby are created and made a Corporation, by the name of The President, Directors and Company of the Portland Bank, and shall so continue from the first day of July next until the expiration of twenty years next following : And by that name shall be and hereby are made capable in law, to sue and be sued, plead and be impleaded, defend and be defended, in any Courts of Record, or any other place whatever ; and also to make, have and use a common seal, and the same again at pleasure to break, alter and renew ; and also to ordain, establish and put in execution such by-laws, ordinances and regulations, as to them shall appear necessary and convenient for the government of said Corporation, and the prudent management of their affairs : Provided, Such by-laws, ordinances and regulations shall in no wise be contrary to the Laws and Constitution of this Commonwealth : And the said Corporation shall be always subject to the rules, restrictions, limitations and provisions herein prescribed.*

Legally to act,
and be acted
upon.

Proviso.

Amount of
stock.

Stockholders
to determine
respecting
payments.

SECT. 2. *And be it further enacted, That the capital stock of said Corporation shall consist of a sum not less than One Hundred Thousand Dollars, nor more than Three Hundred Thousand, in specie, and shall be divided into shares of One Hundred Dollars each ; and the Stockholders at their first meeting shall, by a majority of votes, determine the amount of the payments to be made on each share, and the time when each payment shall be made ; also the mode of transferring and disposing of the stock and the profits thereof : which being entered on the books of said Corporation, shall be binding on the
Stockholders,*

Stockholders, their successors and assigns : *Provided*, That no Stockholder shall be allowed to borrow at said Bank until he shall have paid in his full proportion of the *One Hundred Thousand Dollars* aforesaid. And said Corporation are hereby made capable in law, to have, hold, purchase, receive, possess, enjoy and retain to them, their successors and assigns, lands, rents, tenements and hereditaments, to the amount of *Fifteen Thousand Dollars*, and no more at any one time, with power to bargain, sell and dispose of the same lands, tenements and hereditaments, and to loan and negotiate their monies and effects by discounting, on banking principles, on such security as they shall think advisable.

Proviso.

Corporation
entitled to hold
estate.

SECT. 3. *And be it further enacted*, That the following rules, limitations and provisions shall form and be the fundamental articles of said Corporation :

First. That the said Corporation shall not owe, at any one time, more than twice the amount of their capital stock paid in, in addition to the simple amount of all monies actually deposited in said Bank for safe keeping ; and in case of any excess, the Directors, under whose administration it shall happen, shall be liable for the same in their private capacity ; but this shall not be construed to exempt the said Corporation, or any estate, real or personal, which they may hold as a body corporate, from being also liable for and chargeable with such excess.

Restriction as
to issuing money.

Second. That the said Corporation shall not vest, use or improve any of their monies, goods, chattels or effects in trade or commerce ; but may sell all kinds of personal pledges lodged in their hands, by way of security, to an amount sufficient to reimburse the sum loaned.

Money not to
be used in
trade.

Third. That the lands, tenements and hereditaments which said Corporation shall hold, shall be only such as shall be requisite for the convenient transaction of its business.

Tenements,
&c.

Fourth. None but a Member of said Corporation, being a citizen of this Commonwealth, and resident therein, shall be eligible for a Director or Cashier ; and the Directors shall choose one of their own number, to act as President. And the Cashier, before he enters on the duties of his office, shall give bond, with two sureties, to the satisfaction of the Board of Directors, in a sum not less than *Fifteen Thousand Dollars*, with condition for the faithful discharge of the duties of his office.

Directors and
Cashier.

—President.

Fifth. No Director of any other Bank shall be eligible to the office of a Director of this Bank, although he may be a Stockholder herein ; and any Director accepting an office in any other Bank, shall be deemed to have vacated his place in this Bank.

Officers in other
Banks, cannot
be so in
this.

Sixth. That for the well ordering of the affairs of the said Corporation, a meeting of the Stockholders shall be held at such place as they shall direct, on the first Monday in *January*.

Annual meeting
in *January*.

Right of vot-
ing.

Proviso.

uary annually, and at any other time during the continuance of said Corporation, at such place as shall be appointed by the President and Directors, for the time being, by public notification being given one week previous ; at which annual meeting there shall be chosen, by ballot, seven Directors, to continue in office the year ensuing their election ; and the number of votes to which each Stockholder shall be entitled, shall be according to the number of shares he shall hold, in the following proportions ; *that is to say*, for one share, one vote, and every two shares above one, shall give a right to one vote more : *Provided*, That no one Member shall have more than ten votes ; and absent Members shall vote by proxy, authorized in writing.

President to
be paid.

Board for
business.

Seventh. No Director shall be entitled to any emolument for his services ; but the Stockholders may make the President such compensation as to them shall appear reasonable.

Eighth. Not less than four Directors shall constitute a Board for the transaction of business ; of whom the President shall always be one, except in case of sickness or necessary absence ; in which case, the Directors present may choose a Chairman, for the time being, in his stead.

Bank Bills.

Ninth. All bills issued from the Bank aforesaid, and signed by the President, shall be binding on said Corporation ; but it shall not be lawful for them to issue any bills of a less denomination than *Five Dollars*.

Dividends.

Tenth. The Directors shall make half yearly dividends of all the profits, rents, premiums and interests of the Bank aforesaid.

Cashier, &c.
how appointed.

Eleventh. The Directors shall have power to appoint a Cashier, Clerks, and such officers for carrying on the business of the Bank, with such salaries as to them shall seem meet.

Bank establish-
ed in *Portland*.

SECT. 4. *And be it further enacted*, That the said Bank shall be kept and established in the town of *Portland* aforesaid.

And whereas it is repugnant to the principles of a free government, that the property of any of its citizens should be placed out of the reach of any of their just creditors :

Property of in-
dividuals liable
to attachment
for just debts.

SECT. 5. *Be it further enacted*, That the property of every individual Member of said Corporation, vested in said corporate funds, shall be liable to attachment, and to the payment and satisfaction of his just debts to any of his *bona fide* creditors, in manner following, *namely* : In addition to the summons by law prescribed to be left with the debtor, a like summons shall be left with the Cashier of said Bank ; and the debtor's share or shares in the corporate funds, together with the interest, rents and profits due, or growing thereon, shall thereby be held to respond said suit, according to law ; and all transfers of the debtor's shares in the said corporate funds, not noted in the Bank books previous to the delivery of such summons, shall be barred thereby ; and execution may be levied

on the property of any Stockholder in said Bank, and his shares therein exposed to sale, in the same manner as is by law provided where personal estate is taken by execution ; and it shall be the duty of the officer who extends such execution, to leave an attested copy thereof, with his doings thereon, with the Cashier of the said Bank ; and the purchaser shall thereon be entitled to the reception of all dividends and stock, and to the same privileges as a Member of said Corporation, that the debtor was previously entitled to ; and upon any attachment being made, or execution being levied on any share in said Bank, it shall be the duty of the Cashier of said Bank to expose the books of said Corporation to the officer, so far as respects the number of shares said debtor may own ; and to furnish him with a certificate, under his hand, in his official capacity, ascertaining the number of shares the debtor holds in said Bank, and the amount of the dividend due thereon.

SECT. 6. *And be it further enacted,* That any Committee, specially appointed by the Legislature for the purpose, shall have a right to examine into the doings of the said Corporation, and shall have free access to all their books ; and if, upon such examination, it shall be found, and after a full hearing of said Corporation thereon, be determined by the Legislature, that said Corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions and conditions in this Act provided, their incorporation shall thereupon be declared forfeited and void.

Legislative Committee empowered to examine doings of the Corporation.

Charter may be annulled.

SECT. 7. *And be it further enacted,* That the persons herein before named, or any three of them, are authorized to call a meeting of the Members and Stockholders of said Corporation as soon as may be, at such time and place as they may see fit, in *Portland*, by advertizing the same for three weeks successively, in the *Oriental Trumpet*, printed there, for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations, for the orderly conducting of the affairs of said Corporation, as the said Stockholders shall deem necessary, and for the choice of the first Board of Directors, and such other officers as they shall see fit to choose.

Persons authorized to call a meeting

SECT. 8. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Directors of the said Bank, to transmit to the Governor and Council of this Commonwealth, for the time being, once in twelve months at least, and as much oftener as they may require, accurate and just statements of the amount of the capital stock of said Corporation, and of debts due to the same ; of the monies deposited therein ; of the notes in circulation ; and of the cash on hand ; which statements shall be signed by the Directors, and attested by the Cashier.

Amount of stock to be at stated times transmitted to Governor, &c.

[This Act passed June 15, 1799.]

An ACT to enable the Proprietors of a certain Piece of Salt Marsh situate in the Town of *Ipswich*, in the County of *Essex*, to make and maintain a Dike, for the better improving the same.

[This Act passed June 15, 1799.]

An ACT to incorporate *William Bartlet*, and others, into a Company by the Name of *The Newbury-Port Marine Insurance Company*.

[This Act passed June 18, 1799.]

An ACT authorizing the Courts of General Sessions of the Peace to liberate poor Convicts from Prison, and to dispose of them in Service, for Payment of Costs of Prosecution.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That where there has been any person convicted for any crime, either in the Supreme Judicial Court, or any Court of General Sessions of the Peace, who has been imprisoned three months for costs of prosecution only, the Court of General Sessions of the Peace for the county where the person has been imprisoned, may order the Sheriff to dispose of such convict in service to any person whomsoever, for a term not exceeding two years, for payment of the costs for which he has been imprisoned as aforesaid; and if such disposal cannot be made, the same Court may order the Sheriff to liberate such convict, on such terms, or on such conditions, as they may think most beneficial to the Commonwealth and county. And the said Courts of General Sessions of the Peace may, at any Session hereafter, on motion as aforesaid, order the Sheriff of their respective counties, to liberate any convict in such county, in manner as aforesaid, after his having been imprisoned three months for costs as aforesaid. *Provided nevertheless,* That the consent of all convicts imprisoned as aforesaid, prior to the passing of this Act, shall be first had for such sale or disposal. And where the costs aforesaid are not obtained by means of the liberation, they shall be paid as is provided by law for the payment of costs where there is no conviction. And the several Sheriffs are hereby required duly to execute the aforesaid orders, and to make return of their doings therein to the respective Courts.

[This Act passed June 18, 1799.]

An ACT to incorporate fundry Persons by the Name
of *The President, Directors and Company of the Essex
Bank.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That William Gray, jun. George Dodge, Jacob Ashton, John Norris, William Orne and Joseph White, and their associates, partners in the Company now known by the name of The President, Directors and Company of the Essex Bank, their successors and assigns, shall be and hereby are created and made a Corporation, by the name of The President, Directors and Company of the Essex Bank; and shall so continue from the first day of July next until the expiration of twenty years next following: And by that name shall be and hereby are made capable in law, to sue and be sued, plead and be impleaded, defend and be defended, in any Courts of Record, or any other place whatever; and also to make, have and use a common seal, and the same again at pleasure to break, alter and renew; and also to ordain, establish and put in execution such by-laws, ordinances and regulations, as to them shall appear necessary and convenient for the government of said Corporation, and the prudent management of their affairs: Provided, Such by-laws, ordinances and regulations shall in nowise be contrary to the Laws and Constitution of this Commonwealth: And the said Corporation shall be always subject to the rules, restrictions, limitations and provisions herein prescribed.*

Persons incor-
porated for a
limited time.

Legally to act,
and be acted
upon.

Proviso.

SECT. 2. *And be it further enacted, That the capital stock of said Corporation shall consist of a sum not less than One Hundred Thousand Dollars, nor more than Four Hundred Thousand Dollars, in specie, and shall be divided into shares of Five Hundred Dollars each; and the Stockholders at their first meeting shall, by a majority of votes, determine the amount of the payments to be made on each share, and the time when the same shall be made; also the mode of transferring and disposing of the stock and profits thereof: which being entered in the books of said Corporation, shall be binding on the Stockholders, their successors and assigns: Provided, That no Stockholder shall be allowed to borrow at said Bank until he shall have paid in his full proportion of said One Hundred Thousand Dollars at least. And said Corporation are hereby made capable in law, to have, hold, purchase and receive, possess, enjoy and retain to them, their successors and assigns, lands, rents, tenements and hereditaments, to the amount of Twenty Thousand Dollars, and no more at any one time, with power to bargain, sell and dispose of the same lands, tenements and hereditaments, and to loan and negotiate their monies and effects, by discounting, on banking principles, on such security as they shall think advisable. Provided however, That nothing*

Amount of
stock.

Stockholders
to determine
respecting
payments.

Proviso.

Corporation
entitled to hold
estate.

Proviso.

ing

ing herein contained shall restrain or prevent said Corporation from taking and holding real estate in mortgage, to any amount, as collateral security, for the payment of any debt due to said Corporation.

SECT. 3. *And be it further enacted,* That the following rules, limitations and provisions shall form and be the fundamental articles of said Corporation.

Restrictions as to issuing money.

First. That the said Corporation shall not issue and have in circulation at any one time, bills, notes or obligations to a greater amount than twice their stock actually paid in, in addition to the simple amount of all the monies deposited in said Bank for safe keeping; and in case of any excess, the Directors, under whose administration it may happen, shall be liable for the payment of the same in their private capacity; but this shall not be construed to exempt said Corporation, or any estate, real or personal, which they may hold as a body corporate, from being also liable for and chargeable with such excess.

Money not to be used in trade.

Second. That the said Corporation shall not vest, use or improve any of their monies, goods, chattels or effects in trade or commerce; but may sell all kinds of personal pledges lodged in their hands, by way of security, to an amount sufficient to reimburse the sum loaned.

Tenements, &c.

Third. That the lands, tenements and hereditaments which said Corporation shall hold, shall be only such as shall be requisite for the convenient transaction of its business.

Directors—

President—

Cashier.

Fourth. None but a Member of said Corporation, being a citizen of this Commonwealth, and resident therein, shall be eligible for a Director. And the Directors shall choose one of their own number, to act as President. The Cashier, before he enters on the duties of his office, shall give bond, with two sureties, to the satisfaction of the Board of Directors, in a sum not less than *Ten Thousand Dollars*, with condition for the faithful discharge of the duties of his office.

Officers in other Banks, cannot be so in this.

Fifth. No Director of any other Bank shall be eligible to the office of Director of this Bank, although he may be a Stockholder herein; and any Director accepting an office in any other Bank, shall be deemed to have vacated his place in this Bank.

Annual meeting in June.

Sixth. That for the well ordering of the affairs of said Corporation, a meeting of the Stockholders shall be held at such place as they shall direct, on the first Monday in *June* annually, and at any other time during the continuance of said Corporation, at such place as shall be appointed by the President and Directors, for the time being, by public notification given one week previous thereto; at which annual meeting there shall be chosen, by ballot, seven Directors, to continue in office the year ensuing their election; and the number of votes to which each Stockholder shall be entitled, shall be according to the number of shares he shall hold, in the following proportions;

proportions ; *that is to say*, for one share, one vote, and every two shares above one, shall give a right to one vote more : Right of voting.

Provided, No one Member shall have more than ten votes ; Proviso. and absent Members may vote by proxy, being authorized in writing.

Seventh. No Director shall be entitled to any emolument for his services ; but the Stockholders may make the President such compensation as to them shall appear reasonable. President to be paid.

Eighth. Not less than four Directors shall constitute a Board for the transaction of business ; of whom the President shall always be one, except in case of sickness or necessary absence ; in which case, the Directors present may choose a Chairman, for the time being, in his stead. Board for business,

Ninth. All bills issued from the Bank aforesaid, and signed by the President, shall be binding on said Corporation ; but it shall not be lawful for them to issue any bills of a less denomination than *Five Dollars*. Bank Bills.

Tenth. The Directors shall make half yearly dividends of all the profits, rents, premiums and interest of the Bank aforesaid. Dividends.

Eleventh. The Directors shall have power to appoint a Cashier, Clerks, and such officers for carrying on the business of the Bank, with such salaries as to them shall seem meet. Cashier, &c. how appointed.

SECT. 4. *And be it further enacted*, That the said Bank shall be established and kept in the town of *Salem* aforesaid. Bank established in Salem.

And whereas it is repugnant to the principles of a free government, that the property of any of its citizens should be placed out of the reach of any of their just creditors :

SECT. 5. *Be it further enacted*, That the property of every individual Member of said Corporation, vested in said corporate funds, shall be liable to attachment, and to the payment and satisfaction of his just debts to any of his *bona fide* creditors, in manner following, *namely* : In addition to the summons by law prescribed to be left with the debtor, a like summons shall be left with the Cashier of said Bank ; and the debtor's share or shares in the corporate funds, together with the interest, rents and profits due, or growing due thereon, shall thereby be held to respond said suit, according to law ; and all transfers of the debtor's shares in the said corporate funds, not noted in the Bank books previously to the delivery of such summons, shall be barred thereby ; and execution may be levied on the property of any Stockholder in said Bank, and his shares therein exposed to sale, in the same manner as is by law provided where personal estate is taken in execution ; and it shall be the duty of the officer who extends such execution, to leave an attested copy thereof, with his doings thereon, with the Cashier of said Bank ; and the purchaser shall thereon be entitled to the reception of all dividends and stock, and to the same privilege as a Member of said Corporation, that
the

the debtor was previously entitled to; and upon any attachment being made, or execution levied on any share in said Bank, it shall be the duty of the Cashier of said Bank to expose the books of said Corporation to the officer, so far as respects the number of shares said debtor may own; and to furnish him with a certificate, under his hand, in his official capacity, ascertaining the number of shares the debtor holds in said Bank, and the amount of the dividend thereon due.

Legislative Committee empowered to examine doings of the Corporation.

Charter may be annulled.

SECT. 6. *And it further enacted,* That any Committee, specially appointed by the Legislature for the purpose, shall have a right to examine into the doings of said Corporation, and shall have free access to all their books; and if, upon such examination, it shall be found, and after a full hearing of said Corporation thereon, be determined by the Legislature, that said Corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions and conditions in this Act provided, their incorporation shall thereupon be declared forfeited and void.

Persons authorized to call a meeting.

SECT. 7. *And be it further enacted,* That the persons herein before named, or any three of them, are authorized to call a meeting of the Members and Stockholders of said Corporation as soon as may be, at such time and place as they may see fit, by advertizing the same for three weeks successively in the *Salem Gazette*, for the purpose of making, ordaining and establishing such by-laws, ordinances and regulations, for the orderly conducting the affairs of said Corporation, as the said Stockholders shall deem necessary, and for the choice of the first Board of Directors, and such other officers as they shall see fit to choose.

Amount of stock to be at stated times transmitted to Governor, &c.

SECT. 8. *And be it further enacted,* That it shall be the duty of the Directors of said Bank, to transmit to the Governor and Council of this Commonwealth, for the time being, once in twelve months at least, and as much oftener as they may require, accurate and just statements of the amount of the capital stock of said Corporation, and of debts due to the same; of the monies deposited therein; of the notes in circulation; and of the cash on hand; which statements shall be signed by the Directors, and attested by the Cashier.

[This Act passed June 18, 1799.]

Feb. 25, 1794.

An ACT in Addition to an Act, entitled, "An Act to incorporate a Number of Inhabitants in the County of *Berkshire* into a religious Society by the Name of *The First Baptist Society in the Town of Sandisfield.*"

[This Act passed June 20, 1799.]

An

An ACT to empower the Town of *Boston* to choose a Board of Health, and for removing and preventing Nuisances. Feb. 13, 1799.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the freeholders and other inhabitants of the town of *Boston*, qualified to vote for Town-Officers, shall, on the first Wednesday of *April* annually, meet in their respective wards, at such time and place as may be appointed by the present and succeeding Boards of Health of said town, and published in two of the newspapers printed in said town, seven days previously to the time of meeting, and choose one able and discreet person, who shall be a freeholder and resident within the ward for which he shall be chosen, to be a Member of a Board of Health, which shall consist of one person from each ward, chosen by a majority of the voters present, and by ballot. And the Members of the Board of Health, for the time being, shall preside each in his respective ward at such meetings; and on the neglect of either of them, a Committee chosen by the ward shall preside until a Clerk is chosen by a majority of the voters present, whose duty it shall be to preside at future meetings of said ward for the ensuing year, to call for the votes, receive, count and declare the same in open meeting; and in case it shall appear that no choice has been made, the ballot shall be repeated until a person shall be elected, at whose dwelling-house the Clerk shall, on the same day, leave a written notification of his being chosen as aforesaid; and upon his refusal or non-acceptance, within four days after notice as aforesaid, the Clerk shall summon a new meeting of the inhabitants of his ward, at a time and place to be specified in two of the newspapers aforesaid, three days at least before the intended meeting. *Provided however,* In case of the refusal of the person chosen at the time he is elected, the ward may forthwith proceed to a new choice: And, upon the acceptance of the person chosen, it shall be the duty of the said Clerk, within twenty-four hours after the same, to notify the choice to the President of the Board of Health, for the time being; and the said Board are hereby authorized to continue their functions until a Secretary for their successors shall be chosen and sworn. And the Members of the Board of Health, so long as they act in that capacity, shall be exempted from all the services and duties from which the Selectmen and Overseers of the Poor of the town aforesaid, are or may be exempted.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the President of the Board of Health, for the time being, or, in his absence, the eldest Member thereof present, shall, within five days after the returns made to him by two thirds of the Clerks aforesaid (in case two thirds of said Members shall

Members to be chosen annually; and how.

Existing Members to preside at the annual choice, with

provision.

New choice provided for.

The Board to be informed of persons chosen.

Privileges.

Existing President to officiate till new Board is organized.

shall be chosen) notify the new Members returned and chosen, to meet at the usual place of the meeting of the said Board, and shall, at such meeting, preside until a President and Secretary is chosen for the new Board. And he is hereby authorized to administer to such Secretary an oath, to make a faithful record of all the votes, proceedings and regulations of the said Board, and faithfully perform the duties of his said office during his continuance therein; which oath shall be entered and subscribed on the records of the Board, and attested by the person who shall administer the same. And the said President or eldest Member shall then deliver over to such Secretary, the books, records and other papers of the said Board of Health. And the records and proceedings of the said Board may be given in evidence, touching any matter in dispute between the Members of the same, their agents and servants, and any other person or persons.

Secretary to be sworn.

Records may be brought as evidence.

Nuisances to be examined into.

Rules to be established.

Forcible entry may be made.

No civil process to be executed by any officer, at such entry.

SECT. 3. *And be it further enacted*, That it shall be the duty of the said Board, or of any Member thereof, to examine into all nuisances, and such sources of filth as may be injurious to the health of the inhabitants of said town, whether the same shall proceed from stagnant waters, cellars, drains, common sewers, slaughter-houses, tan-yards, fish, fish-houses, fishing-boats, fish-boxes, oysters, oyster-boats, hogs, hog-sties, docks, necessaries, livery and other stables, putrid animal and vegetable substances, vessels, scows, or boats, or any other cause of any nature or kind whatsoever, which, in their opinion, may be injurious to the health of the inhabitants aforesaid, and the same to destroy or remove, as the case may require. And the said Board, or a majority of them, are hereby fully authorized and empowered, from time to time, to make such rules and regulations, to have effect within the limits of said town, as to them shall appear necessary, to remove and prevent the aforesaid nuisances and sources of filth. And the said Members, or any two of them, shall have power, having first obtained a warrant from a Justice of the Peace, in due form of law, predicated upon a complaint, under oath, directed to the Sheriff of said county or his deputy, forcibly to enter and search all houses, stores, cellars, vessels and boats, between the hours of sunrise and sunset, where they may have just cause to suspect any of the aforesaid nuisances or sources of filth to exist, and the same to remove or destroy, as the case may require. *Provided however*, That no Sheriff or Deputy-Sheriff shall execute any civil process, either by arresting the body, or attaching the goods and chattels of any person or persons, under colour of any entry made for the purposes aforesaid, unless such service could by law have been made without such entry; and all services so made, under colour of such entry, shall be utterly void, and the officer making such service shall be considered as a trespasser to all intents, *ab initio*. And any person or persons

sons who shall resist such search, shall forfeit and pay the sum of not more than *One Hundred*, nor less than *Twenty Dollars*, to be recovered in manner herein after provided. And it shall be the duty of the Board of Health, or any two of them, upon discovering any of the nuisances aforesaid, or other sources of filth, injurious to the health of the said inhabitants, to cause the same to be removed; and the person or persons in whose possession the same was found, shall forfeit and pay the sum of *Ten Dollars*, and the costs of removal; and any Justice of the Peace within said town, upon complaint made to him on oath by one or more Members of the said Board, briefly therein stating the facts, together with the costs of such removal, shall issue his warrant thereupon, directed to the Sheriff of the county of *Suffolk*, his deputy, or any Constable of said town, commanding him to notify the person or persons in whose possession, or upon whose estate such nuisance or other source of filth aforesaid was found, his or their agent or agents, attorney or attornies respectively, forthwith to appear before such Justice; and if such person or persons, after the service and return of said warrant, shall neglect to appear as aforesaid, or appearing, shall not shew cause, to the satisfaction of the Justice, why judgment should not be rendered against him or them for the fine of *Ten Dollars*, herein before mentioned, and for all the costs of removal as aforesaid,—then the said Justice shall render judgment against such person or persons for the said fine, costs of removal, and double costs of prosecution, notwithstanding the said fine and costs of removal may exceed the sum of *Thirteen Dollars, Thirty-Four Cents*; and the said Justice shall thereupon issue his warrant of distress, directed as aforesaid, commanding the officer to whom it may be directed, to levy the sums therein mentioned, with the expenses of levying, together with his own fees, upon the goods and estate, and for want thereof, upon the body of such person or persons: And any party aggrieved at any judgment that may be rendered upon such complaint, may appeal to the Court of General Sessions of the Peace, next to be holden within and for said county, and shall, before his appeal is granted, recognize in such reasonable sum as the Justice shall order, with sufficient surety or sureties, to prosecute his appeal, and shall be held to produce, at the Court appealed to, copies of the whole process; the said appeal to be claimed on the day of rendering judgment as aforesaid; and the said Court shall proceed to hear and try said cause, with or without the intervention of a Jury, as the case may require, and shall render such judgment, and issue such warrant of distress, as a Justice of the Peace within the town aforesaid is hereby authorized to do, and no appeal from the judgment of said Court shall be allowed.

Penalty for resistance.

Nuisances to be removed:

Penalty for persons in whose possession the same is found.

Process for recovery of penalty.

To parties aggrieved, appeal allowed.

SECT. 4. *And be it further enacted by the authority aforesaid,* That any person or persons who shall disobey or violate the rules and regulations of said Board, that shall be made as aforesaid, after the expiration of three days from the publication of the same in two of the newspapers aforesaid, shall forfeit and pay the sum of *Five Dollars*, to be sued for and recovered in the manner pointed out in the foregoing section.

SECT. 5. *And be it further enacted,* That any person who shall offer for sale in the town of *Boston*, or who shall have in his possession any tainted or putrid salted meat, or pickled fish, which shall be so deemed by any two Members of the said Board, upon conviction thereof in manner last mentioned, shall forfeit and pay the sum of *Two Dollars* for each and every such barrel by him so offered for sale or found in his possession. And it shall be the duty of every licensed packer of provisions and pickled fish within said town, forthwith to give information to the said Board, or some Member thereof, of any such meat or fish that shall come to his knowledge; and every packer of salted provisions throughout this Commonwealth is hereby prohibited from repacking any such meat or fish that shall be putrid or tainted; and no salted meat or fish shall be hereafter repacked within said town of *Boston*, between the fifteenth day of *June* and the first day of *October*, unless upon some island, and with the permission, in writing, of the Board aforesaid, or any three of them. And every packer aforesaid, who shall neglect to give information as aforesaid, or who shall repack as aforesaid, contrary to the true intent and meaning of this Act, shall, upon conviction thereof in manner aforesaid, forfeit and pay for each and every barrel containing meat or fish tainted or putrid, which he shall so neglect to give information of, the sum of *Three Dollars*, and for each and every barrel so repacked, the sum of *Four Dollars*. And the said packers within said town shall be sworn before the said Board or any Member thereof, and the packers in the other towns in this Commonwealth, before the Clerks of their respective towns, faithfully to discharge their duty as packers of salted meat and provisions, according to the true intent and meaning hereof. And the said Board, and the respective Members thereof, and the several Clerks of said towns, are hereby severally empowered to administer said oath. And the packers aforesaid, and every of them who shall neglect to take the said oath as soon as may be, after passing this Act, and who shall neglect to mention in each certificate by him issued, after taking said oath, his having been sworn as aforesaid, shall be liable to be removed from his office of packer aforesaid, on complaint made to the Governor and Council, and shall be disqualified from executing or performing the office or employment of a packer as aforesaid, for the space of three years then next coming.

SECT.

Penalty for
disobeying
rules, &c.

----- for pos-
sessing tainted
meat, &c.

Packers to give
information.

Meat not to be
packed in *Bos-*
ton, for certain
time.

Penalty for
Packers neg-
lecting to give
information.

Packers to be
sworn.

Penalty for
packers neg-
lecting to take
the oath, &c.

SECT. 6. *And be it further enacted*, That no untanned hides shall hereafter be stored or kept in the town of *Boston* between the first day of *May* and the first day of *December*; and that all such hides found in said town within the time so prohibited, shall be forfeited, unless removed without the limits of said town by the owner or possessor thereof, within twenty-four hours after notice given him by any Member of said Board; and such hides so forfeited, shall and may be seized by any two of the said Board of Health, and shall and may be libelled and tried in the same way and manner, and by the same process, as is provided for the trial of gun-powder seized according to law.

Untanned
hides.

SECT. 7. *And be it further enacted*, That all masters of vessels, or other persons being on board the same, who shall throw or suffer to be thrown into any of the docks of said town, without permission from the Board of Health, any filth or sweepings of vessels' holds, or land or suffer to be landed, any suspected clothes or bedding, or in anywise contravene the rules and regulations of said Board, that may be made as aforesaid, contrary to the true intent and meaning of this Act, shall severally forfeit and pay for every such offence, not more than *Thirteen*, nor less than *Five Dollars*, according to the nature and aggravation of the offence, to be sued for and recovered in manner pointed out in the third section of this Act.

Throwing filth
into docks,
and landing
suspected
clothes, pro-
hibited.

Penalty.

SECT. 8. *And be it further enacted by the authority aforesaid*, That whenever it shall appear to the said Board of Health, that the safety of the inhabitants of the town of *Boston* requires, that any vessel or vessels which shall arrive within the harbour of *Boston*, from any port or place, should perform quarantine; the said Board are hereby required and empowered to cause such vessel or vessels to perform quarantine, under such restrictions, regulations and qualifications, as they may judge expedient; and any owner, master, supercargo, officer, seaman, consignee or other person, who shall neglect or refuse to obey the directions, rules, regulations, restrictions and qualifications of the said Board of Health, respecting said quarantine, and shall be thereof convicted, upon indictment or information, before the Supreme Judicial Court or Court of General Sessions of the Peace, held in the said county of *Suffolk*, shall be fined a sum not exceeding *Five Hundred Dollars*, or be imprisoned for a term of time not exceeding six months, or both, at the discretion of the Court having cognizance of such offence.

The Board
may direct
quarantine.

Penalty for
breach of.

SECT. 9. *And be it further enacted*, That whenever the said Board of Health shall think it necessary to order all vessels which shall or may arrive at the said port of *Boston*, from any particular port or ports, to perform quarantine, and shall give notice of such order to the Pilots of the said port of *Boston*; it shall be the duty of such Pilots to make known the said order to the captains or masters of all vessels which they shall board:

Pilots directed.

board : And if any Pilot, after notice given to him as aforesaid, shall neglect to make known the said order, or shall pilot any vessel to any place in the harbour of *Boston*, except to *Rainsford's-Island*, he shall forfeit and lose his branch, and shall be disqualified from doing and performing the duty of a Pilot for the term of twelve months then next ensuing.

Penalty.

SECT. 10. *And be it further enacted*, That any master or commander of any vessel, who shall enter the said harbour of *Boston* with his said vessel, after notice given to him by any person or persons whomsoever, that a quarantine has been directed by the said Board of Health for all vessels coming from the port or place from which such master or commander shall have arrived ; or who shall falsely or fraudulently attempt to elude the directions of the said Board of Health, by false and unfounded declarations of the port or place from whence he came ; or who shall land or suffer to be landed from his vessel any person or persons, or goods, apparel, bedding or merchandize whatsoever, without the permission of the said Board of Health ; every such master or commander shall, upon conviction thereof in manner and form pointed out in the eighth section of this Act, forfeit and pay a sum not exceeding *Five Hundred Dollars*, or suffer imprisonment for a term not exceeding six months, or both, at the discretion of the Court having cognizance of such offence.

Penalty for evading quarantine orders.

Keepers of lodging houses directed.

SECT. 11. *And be it further enacted*, That every keeper of a boarding or lodging-house within the town of *Boston*, between the first day of *May* and the first day of *November* in each year, shall, within twelve hours after any sea-faring man or other lodgers becomes sick in such boarding or lodging-house within the town of *Boston*, report, in writing, the name of such diseased person to the Board of Health or to a Member of said Board, and the nature of his disorder. And no master of a vessel shall remove any sick or diseased person from any vessel lying at any of the wharves, within the harbour of *Boston*, before the name of such sick person has been reported to the Board of Health or a Member thereof, and a written permit obtained from at least two of them, authorizing such removal, which permit shall express the time, place and manner of such removal. And every person, whether keepers of boarding or lodging-houses, or masters of vessels, who shall refuse or neglect to comply with either of the aforesaid directions, shall, on conviction before the Court of General Sessions of the Peace in said county, forfeit and pay a fine not exceeding *One Hundred Dollars*, or suffer imprisonment not exceeding two months, or both, at the discretion of said Court.

Masters of vessels not to remove sick.

Penalty for all persons refusing or neglecting.

Visiting-Physician authorized.

SECT. 12. *And be it further enacted*, That whenever the Visiting-Physician of the said Board of Health shall think it necessary that any vessel should be purified and cleansed, and perform quarantine, he shall direct the master or commander of

of

of such vessel to proceed to anchor near *Rainsford's-Island*, within the outer harbour of *Boston*, for the purpose of purification ; and it shall be the duty of said Physician to apply to the Board of Health to direct the time and manner in which said purification shall take place, and the expenses thereof shall be defrayed by the master, commander, owner or consignee of every such vessel, to be recovered by an action of the case, in the name of the President of the said Board of Health. And each and every master, commander, owner or consignee of every such vessel, who shall neglect or refuse to comply with such directions, shall, on conviction thereof before the Court of General Sessions of the Peace, be fined not exceeding *One Thousand Dollars*, or suffer imprisonment for a term not exceeding six months, or both, at the discretion of the Court.

Penalty for disobeying the Physician.

SECT. 13. *And be it further enacted*, That every diseased mariner or other person sent to *Rainsford's-Island* by the said Board of Health, shall be there kept and maintained at his or their own cost and expense, or his or their parents or masters (if able) otherwise at the charge of the town or place to which they belong ; and in case such person or persons have no legal settlement in any town or place within this State, then at the charge of this Commonwealth ; and every person sent to *Rainsford's-Island*, for the purpose of purification as aforesaid, by the said Board of Health, shall be subject to the same restrictions as are provided by the seventh section of an Act of this Commonwealth, passed the twenty-second day of *June*, one thousand seven hundred and ninety-seven, entitled, " An Act to prevent the spreading of contagious sickness."

Diseased mariners to defray expenses, if able, with provision when not able.

Persons sent to *Rainsford's-Island* subject to restrictions, &c.

SECT. 14. *And be it further enacted*, That the Board of Health for the town of *Boston*, shall provide, at the expense of said town, a suitable number of red flags of two yards at least in length ; and whenever they shall order a vessel or vessels to *Rainsford's-Island*, for the purpose of purification, they shall direct the keeper of said island to hoist on a flag-staff, to be erected for the purpose, one of said flags ; and the master of every vessel ordered there to perform quarantine, shall hoist one of said flags on the head of the mainmast, there to be kept during the day time, so long as said vessel or vessels shall remain at said island for the purpose of purification ; and during the time that any vessel is performing quarantine, no person shall go on board thereof, except those employed by or under the Board of Health, nor shall any person go within a line to be designated upon the land on *Rainsford's-Island* ; and every person who shall transgress in either of these cases, shall be considered as contaminated with infection, and held to undergo purification in the same manner, and under the same regulations and restrictions, as those performing quarantine on said island, and shall there remain until discharged by the Visiting-Physician ; and the said Physician, or the keeper of the

Red flags to be provided.

Persons not to go on board vessels riding quarantine.

Penalty.

said

said island, or any person employed thereon, may forcibly detain him for the purpose aforesaid.

Vessels subject to quarantine passing the Castle, to be sent back.

Penalty for refusing to go.

Force may be used.

Pilots to give assistance, under penalty.

Certain powers transferred from the Selectmen to the Board of Health.

Board to appoint Visiting-Physician.

Scavengers.

SECT. 15. *And be it further enacted*, That if any ship or vessel subject to quarantine, shall pass by the Castle, and enter within the inner harbour of *Boston*, it shall be the duty of the Board of Health for said town, or any two of them, to order the master of the said vessel to proceed forthwith, with her crew, passengers and cargo, to *Rainsford's-Island*; and in case the said master shall refuse or neglect so to do for the space of one hour after said order, he shall, on conviction before the Supreme Judicial Court or Court of General Sessions of the Peace in said county, forfeit and pay a fine not exceeding *One Thousand Dollars*, or suffer imprisonment not exceeding six months, or both, at the discretion of the Court; and the said Board of Health, on any neglect or refusal as aforesaid, shall have full power and authority forcibly to enter on board such vessel, and to call to their assistance one or more of the Pilots for the harbour of *Boston*, and such other persons as may be necessary to proceed with said vessel, her crew, passengers and cargo, to *Rainsford's-Island*, the expense of which removal shall be paid by the owner of such vessel, which shall and may be recovered by action of the case, in any Court competent to try the same; and any Pilot or other person, who shall refuse to give his assistance, when required, shall pay a fine of *Thirteen Dollars*, to be recovered upon conviction, before any Justice of the Peace for the county of *Suffolk*, who shall issue his warrant of distress against the goods and estate, and for want thereof, against the body of such person who shall be convicted as aforesaid.

SECT. 16. *And be it further enacted*, That all the powers and duties which are given to, and required of the Selectmen of the town of *Boston* by a certain law of this Commonwealth, passed the twenty-second day of *June*, one thousand seven hundred and ninety-seven, entitled, "An Act to prevent the spreading of contagious sickness," shall be and they are hereby transferred to, and made the duty of the Board of Health of the town of *Boston*; any thing in said law to the contrary notwithstanding.

SECT. 17. *And be it further enacted*, That the Board of Health for the town of *Boston* shall, and they hereby are empowered from time to time, to choose a suitable and discreet person, who has been approved of by some Medical Society within this Commonwealth, to act as a Visiting-Physician to said Board, whose duty it shall be, to visit all vessels coming from any place or places in which the said Board shall think that any contagious sickness prevails; and such Physician shall be under the directions of said Board, and may be removed by them whenever they shall see cause: And the said Board of Health shall have authority to appoint Scavengers for the town of *Boston*, and such other officers to assist them in the execution of

of

of their office, as they shall judge proper and necessary ; for payment of whom, and of all necessary expenses which may arise in the exercise of their office, said Board shall be authorized to draw upon the Town-Treasurer ; and the accounts of said Board shall be examined by the Committee of Accounts, annually chosen by the town for that purpose, who shall report a state of them to the town accordingly, and the same shall be paid by the Treasurer of the said town.

Board to draw upon the Town Treasurer.

And whereas by the eleventh section of the Act of this Commonwealth, entitled, “ An Act to prevent the spreading of contagious sickness,” it is enacted,—“ That each town or district in this Commonwealth may, at their meeting held in *March* or *April* annually, or at any other meeting legally warned for that purpose, when they shall judge it to be necessary, choose and appoint a Health-Committee,” in the manner, and for the purposes, in said eleventh section mentioned.

SECT. 18. *Be it further enacted*, That so much of said Law as respects the future appointment of a Health-Committee for the town of *Boston*, be and the same is hereby repealed ; and that the Board of Health appointed, and to be appointed, by virtue of this present Law, be and they hereby are and shall be, *The Health-Committee for the Town of Boston*, and invested with all the powers and duties, as is herein, in said eleventh section, defined ; any thing in said eleventh section to the contrary notwithstanding.

Part of a former law repealed.

And whereas by virtue of an Act of this Commonwealth, passed the last Session of the General Court (*February* the thirteenth, one thousand seven hundred and ninety-nine) entitled, “ An Act to empower the inhabitants of the town of *Boston* to choose a Board of Health, and for removing and preventing nuisances in said town”—the inhabitants did, in their several wards, choose a Board of Health for the present year :

SECT. 19. *Be it further enacted*, That the present Members of the Board of Health for the town *Boston*, chosen by virtue of said Law, be and they hereby are declared to be the Members of the Board of Health for the said town, for the present year, and shall remain in office until a new Board of Health shall be chosen, agreeably to the first section of this present Law ; and they and each of them shall have full power and authority to act in said capacity, agreeably to the spirit and meaning of this Act ; any thing herein to the contrary notwithstanding.

Board under a former law recognized.

SECT. 20. *And be it further enacted*, That all penalties and forfeitures arising from this Act, except in those cases in which it is herein otherwise provided, shall accrue to the use of the said town of *Boston*, and shall be prosecuted and recovered by action of debt, in the name of the President of the said Board of Health, or by information, in any Court competent to try the same. And it shall be the duty of the Board of Health,

Appropriation of fines.

and each of them, to pursue and enforce the due execution of the foregoing Law, and prosecute all offenders, for all penalties and forfeitures which may accrue under the same.

Warrant to
be issued for
choice of new
Member.

SECT. 21. *And be it further enacted*, That on the death, resignation or removal from the ward of which he is a Member, of any of the Board of Health, it shall be the duty of the President of the said Board, to issue a warrant to the Constable of the ward, commanding him to warn, by leaving a printed notification at the houses of the inhabitants of the ward, the inhabitants to meet at the place and time mentioned in said warrant, for the purpose of choosing a new Member, and the Clerk of said ward shall preside at such meeting.

Wards.

SECT. 22. *And be it further enacted*, That the wards mentioned in this Act, shall be the same pointed out in a certain Act passed in the eighth and ninth years of the reign of George the Second, entitled, "An Act for employing and providing for the poor of the town of *Boston*."

Former law
repealed.

SECT. 23. *And be it further enacted*, That an Act, entitled, "An Act to empower the inhabitants of the town of *Boston* to choose a Board of Health, and for removing and preventing nuisances in said town," be and the same is hereby repealed; except so far as the same may be necessary for the prosecution and final recovery of any fines, penalties, forfeitures or actions which may have been incurred prior to the repeal of said Act.

Putrid meat,
&c. not to be
removed to
towns without
permission of
Selectmen.

SECT. 24. *And be it further enacted by the authority aforesaid*, That no untanned hides, or putrid or tainted meat, or fish, shall be removed from the town of *Boston*, or from any vessel within the harbour of said town, by virtue of this Act, to any town within this Commonwealth, without permission from the Selectmen of the town to which such hides, meat or fish are proposed to be removed; and that all untanned hides so removed without permission as aforesaid, shall be forfeited to the use of the town to which they shall be removed, and shall and may be proceeded against, in manner pointed out in the sixth section of this Act.

[This Act passed June 20, 1799.]

An ACT empowering the Inhabitants of that Part of the County of *York* which lies to the northward of the great *Ossapee-River*, to choose a Register of Deeds, and for establishing a Court of Probate, to be holden at *Fryeburgh*, in the said County.

Preamble.

WHEREAS the inhabitants of that part of the county of *York* which lies to the northward of the great *Ossapee-River*, are put to difficulty in getting their conveyances of real estate properly recorded, and effecting a distribution and

and settlement of the estates of deceased persons among them, as they are in such cases frequently obliged at great expense and trouble to travel to *York*, where alone the office of Register of Deeds, and generally the Court of the Judge of Probate of Wills and for granting Letters of Administration for the said county, are now kept and held :

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the towns of *Fryeburgh*, *Bethel* and *Waterford*, and such plantations or lands in said county of *York* as lie to the northward of the great *Ossipee-River*, be and they hereby are constituted a district for the Registry of Deeds. And the inhabitants of the said district are hereby authorized to choose a Register of Deeds for the same district, in manner provided by law. And the Register so chosen, shall keep his office within the said town of *Fryeburgh*; and *SIMON FRYE*, Esquire, a Justice of the Peace within and for the said county, is hereby authorized and empowered to issue his warrant, directed to the Selectmen of the aforesaid towns of *Fryeburgh*, *Bethel* and *Waterford*, and to the Assessors of those plantations authorized by law to vote for Governor, Lieutenant-Governor and Senators within the said district, ordering them forthwith to convene the inhabitants of the said towns and plantations, qualified to vote for Representatives, that they may proceed to the choice of some meet person, qualified by law for the office of Register of Deeds; and ordering the said Selectmen and Assessors to seal up and transmit a transcript of the record of the number of votes, and persons voted for, in their respective towns and plantations, together with the warrant, to the Court of General Sessions of the Peace next to be holden at *Waterborough*, within and for the said county, on the fourth Tuesday of *August* next, to be opened and compared with the like returns from the other towns and plantations in such district: And the person having the majority of votes, after being sworn, and giving bond as by law directed, shall be the Register of Deeds in said district, and shall continue in the said office until the last day of *March*, one thousand eight hundred and one, and until another is chosen and sworn in his room, unless sooner removed or discharged by order of the Court of General Sessions of the Peace for the said county: And if it shall appear that no person has a majority of votes in the said district, upon the examination of the returns as aforesaid, the same proceedings shall be had as are directed by law in other cases of vacancy in the office of Register of Deeds.

District for the
Registry of
Deeds.

Simon Frye,
Esq. author-
ized.

Register to be
chosen.

SECT. 2. *And be it further enacted,* That the person chosen as aforesaid, shall be subject to the same rules and disqualifications to which Registers of Deeds for the several counties are subject; and from and after the last day of *November* next, shall be fully authorized and empowered to register and

Register to ex-
ercise the cus-
tomary powers.

record all deeds of conveyance of any lands or other real estate lying within the said district, and the record of deeds as aforesaid shall be valid, to all intents and purposes whatever : And the record of any deeds of conveyance of land or other real estate lying within the said district, which, after the said last day of *November* shall be made by any other than the person to be chosen as aforesaid by the said district, shall be void and of no effect ; and the Register to be chosen as aforesaid, shall be entitled to the same fees, in the execution of his office, as the Register of Deeds in the several counties are entitled to.

Probate Courts
to be held at
Fryeburgh.

SECT. 3. *And be it further enacted*, That the Judge of Probate for the county of *York*, be and he hereby is directed to hold two Probate Courts in a year, in the town of *Fryeburgh*, in said county, from and after the passing of this Act ; any usage or custom to the contrary notwithstanding.

[This Act passed June 20, 1799.]

An ACT in Addition to an Act, entitled, “ An Act to regulate the going at large of Sheep and Rams, and He-Goats at certain Seasons of the Year,” passed the seventh Day of *March*, in the Year of our LORD One thousand seven hundred and ninety-seven.

Barnstable in-
cluded.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That that part of the provision contained in the first section of the above recited Act, be and the same is hereby repealed, so far as it respects the county of *Barnstable* : And that the aforesaid Act shall hereafter extend to the said county of *Barnstable*, as though the said provision had not been made.

[This Act passed June 21, 1799.]

Feb. 20, 1799.

An ACT in Addition to an Act, entitled, “ An Act to divide the County of *Lincoln*, and to constitute the northerly Part thereof a separate County by the Name of *The County of Kennebeck*.”

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a law made and passed the twenty-second day of *March*, in the year of our Lord one thousand seven hundred and ninety-three, for holding a Supreme Judicial Court at *Pownalborough* and *Hallowell*, in said county of *Lincoln*, on the second Tuesday next following the fourth Tuesday of *June*, successively and alternately, be and the same is hereby repealed.

[This Act passed June 21, 1799.]

An ACT to empower the Inhabitants of the Town *Salem* to choose a Board of Health, and for removing and preventing Nuisances in said Town. June 16, 1800.

[This Act passed June 21, 1799.]

An ACT for changing the Name of *Samuel Flagg*, the third, to that of *Samuel H. Flagg*.

[This Act passed June 21, 1799.]

An ACT in Addition to the several Acts for incorporating certain Persons for the Purpose of building a Bridge over *Merrimack-River*, between the Towns of *Haverhill* and *Bradford*, in the County of *Essex*, and for supporting the same.

[This Act passed June 21, 1799.]

An ACT to set off fundry Persons from the Town of *Carver*, and annex them to the first Parish in *Middleborough*, in the County of *Plymouth*.

[This Act passed June 21, 1799.]

An ACT for setting off *Cyrus Buck* and *Levi Stockwell*, and their Families, and Part of their Estates, from the Town of *Chester*, and annexing them to the Town of *Worthington*, in the County of *Hampshire*.

[This Act passed June 21, 1799.]

An ACT in Addition to an Act, entitled, "An Act to prevent the Destruction of Oysters and other shell Fish in this Commonwealth." Feb. 26, 1796.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all the provisions, restrictions and penalties of, and proceedings directed in the said Act, passed in the year of our Lord one thousand seven hundred and ninety-six, be and the same are hereby extended to the town of *Chatham*, in the county of *Barnstable*.

Former law extended to *Chatham*.

SECT. 2. *And be it further enacted*, That no fisherman, or any other person, shall take from the town of *Chatham* any shell

No shell fish, except clams and horfefeet, to be taken.

shell fish for bait or other use, except clams, and a shell-fish commonly known by the name of horfefeet, and not to exceed seven bushels of clams, including the shells, nor more than one hundred of said fish commonly called horfefeet, in one week, to each vessel or craft; they procuring a permit, as set forth in the Act aforesaid; any thing in the said Act to which this is an addition notwithstanding.

[This Act passed June 21, 1799.]

June 9, 1785. An ACT to explain an Act, entitled, "An Act against Hawkers, Pedlars and petty Chapmen."

Preamble,

WHEREAS doubts have arisen whether the said Act extends to the hawkers and pedlars of indigo and feathers, as the same are the growth and production of the United States :

Penalties extended to hawkers of indigo and feathers, and to those who harbour them.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That every hawker, pedlar, petty chapman or other person, who shall, from and after the first day of *August* next, go from town to town on foot, or with a horse or horses, or otherwise, carrying to sell, or exposing to sale, any indigo or feathers, shall incur the penalties and forfeitures, and shall and may be prosecuted, convicted and fined, in the way and manner, and by the processes which are pointed out in the Act aforesaid, passed on the ninth day of *June*, one thousand seven hundred and eighty-five : And all persons, whether taverners, alehouse-keepers, common victuallers or retailers, who shall, from and after the first day of *August* next, knowingly harbour and entertain any such hawker, pedlar or petty chapman of indigo or feathers, shall incur the same penalties and forfeitures, to be recovered in the same way and manner as is provided in the Act aforesaid against persons who shall entertain hawkers, pedlars and petty chapmen.

Secretary directed.

SECT. 2. *Be it further enacted,* That the Secretary be and he hereby is directed forthwith to cause this Act to be printed in the news-paper printed by the Printers of the General Court in the town of *Boston*.

[This Act passed June 21, 1799.]

March 4, 1800. An ACT for establishing a Corporation by the Name of *The Sixth Massachusetts Turnpike Corporation.*

[This Act passed June 22, 1799.]

An ACT in Addition to an Act, entitled, “ An Act in Addition to an Act, entitled, “ An Act for incorporating certain Persons for the Purpose of building a Bridge over *Merrimack-River*, in the County of *Effex*, at *Bodwell's-Falls*, between *Andover* and *Methuen*, and for supporting the same,” passed in the Year of our LORD One thousand seven hundred and ninety-three.*

* 27th Feb.

[This Act passed June 22, 1799.]

An ACT to incorporate the westerly Part of the Town of *Bowdoin*, in the County of *Lincoln*, into a separate Town by the Name of *Thompsonborough*.

[This Act passed June 22, 1799.]

An ACT to set off *Noah Fuller* from the first Precinct in *Rehoboth*, to the second Precinct in said Town.

[This Act passed June 22, 1799.]

An ACT to incorporate a Number of the Inhabitants of the Towns of *Canaan*, *Clinton*, and *Fairfield*, in the County of *Kennebeck*, into a distinct religious Society by the Name of *The Clinton Baptist Society*.

[This Act passed June 22, 1799.]

An ACT in Addition to an Act, entitled, “ An Act to prevent Fraud in Firewood, Bark or Coal exposed to Sale,” made and passed *March* seventh, One thousand seven hundred and ninety-seven.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all Cord-Wood brought in by water into any town or district for sale, shall be measured by a Measurer duly appointed and sworn, as directed in said Act; and in order thereto, the Wood so brought in, shall be corded and piled by itself, upon the wharf or land whereon the same shall be landed, in ranges, making up in height what shall be wanting in length; at which time it shall be so measured, and a ticket given to the purchaser, who shall be obliged to pay the stated fees or allowance for such service as appointed by the Selectmen.

Wood to be
measured on
the wharves.

SECT.

Carters to be furnished with tickets, and to shew them, when demanded.

SECT. 2. *Be it further enacted*, That every wharfinger, cart-er or driver, that shall cart or carry any Firewood from any wharf or landing-place in any town or district, shall be furnished, by the owner or feller of such Wood, with a ticket, certifying the quantity the load contains, and the name of the driver. And if any Firewood shall be carted or carried as aforesaid, without such ticket accompanying the same; or if any driver shall refuse to produce and shew such ticket, on demand, to any Measurer duly sworn as aforesaid, or his consent to have the same measured; or if such tickets shall certify a greater quantity of Wood than the load contains, in the opinion of the Measurer aforesaid, after measuring the same, such Wood shall be forfeited and seized,—two thirds to the use of the poor of the town where offered for sale—and the other one third to the Measurer or whoever shall prosecute for the same; to be recovered as the other forfeitures in said Act are directed to be recovered. *Provided nevertheless*, That nothing herein contained shall be construed to extend to any person or persons who shall transport or cart, or cause to be transported or carted, from any wharf or landing-place, to his or their own dwelling-houses or stores, any Cord-Wood which he or they shall have purchased on such wharf or landing-place, or shall have landed thereon upon his or their own account.

Penalty.

Appropriation.

Proviso.

Part of a former law repealed.

SECT. 3. *Be it further enacted*, That the proviso in the third section, and the proviso in the sixth section in said Act, be and they hereby are repealed.

[This Act passed *June 22, 1799.*]

March 1, 1799. An ACT in Addition to an Act establishing *The Williamstown Turnpike Corporation.*

[This Act passed *June 22, 1799.*]

An ACT to encourage the Establishment of a Cotton Mill in the Town of *Rehoboth.*

[This Act passed *June 22, 1799.*]

An ACT to incorporate a religious Society by the Name of *The Episcopal Parish in Marblehead.*

[This Act passed *June 22, 1799.*]

An ACT to regulate the Weighing of Beef and Pork.

WHEREAS great inconveniencies have arisen from the uncertain mode of weighing provisions by steelyards :

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of *October* next, no Beef or Pork shall be weighed by the owners or keepers of any slaughter-houses, stores or warehouses, or by any persons under their direction or control in said houses, in any greater quantity than fifty pounds, except in scales, and with weights duly sealed, according to the Act passed in the fourth year of William and Mary, entitled, "An Act for due regulation of weights and measures;" and every owner or keeper of any slaughter-house, store or warehouse, or any person or persons by their direction, or under their control in said houses, who shall weigh any Beef or Pork in any greater quantity than fifty pounds, by steelyards, or in any other way than by scales and weights, duly sealed as aforesaid, shall, for every such offence, forfeit and pay the sum of *Ten Dollars*, to be recovered by action of the case, before any Court competent to try the same, by any person who shall first sue for the same,—one half to the use of the person who shall sue as aforesaid—and the other half to the use of the poor of the town in which such offence shall be committed.

Above 50 lbs.
not to be used
with steelyards.

Penalty.

Appropriation.

[This Act passed June 22, 1799.]

An ACT to regulate the Paving of Streets in the Town of *Boston*, and for removing Obstructions in the same.

[This Act passed June 22, 1799.]

An ACT to restrain unincorporated Banking Associations, and to prevent the issuing of small Bank Notes.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That* from and after the passing of this Act, no person shall subscribe to, or become a member of any Association, Institution or Company, or Proprietor of any Bank or Fund, for the purpose of issuing Notes, receiving deposits, making discounts, or transacting any other business which incorporated

Unincorporated Banks
prohibited.

ted Banks may or do transact by force of their respective Acts of incorporation, unless such person shall be authorized by law so to do. And if any person not authorized shall hereafter subscribe, or become a member or proprietor as aforesaid, he shall forfeit and pay, for every such offence, the sum of *One Thousand Dollars*, to be recovered by any person who shall sue therefor, in an action of debt; one half thereof to his own use, and the other half to the use of this Commonwealth. And all Notes and Securities, for the payment of money or delivery of property, made or given to any such Association, Institution or Company, not authorized as aforesaid, shall be null and void.

Penalty for
subscribing to
such.

Existing un-
incorporated
Banks sup-
pressed.

Persons inter-
ested, after a
limited time,
1000 *Dollars*
penalty.

Bills to be issued,
not less than
Five Dollars,
except *Nantucket*
Bank.

Penalty.

SECT. 2. *Be it further enacted*, That all unincorporated Associations, Institutions, Companies or Proprietries, formed for any of the purposes aforesaid, that now exist in this Commonwealth, shall, after the first day of *March* next, cease to issue Notes, and to loan money. And any person concerned or interested in the issuing any such Notes, or loaning any money as aforesaid, after the said first day of *March* next, he shall forfeit and pay, for every such offence, the sum of *One Thousand Dollars*, to be recovered and disposed in the manner prescribed in the first section of this Act.

SECT. 3. *Be it further enacted*, That from and after the first day of *September* next, no Bank incorporated by the Legislature of this Commonwealth, except *Nantucket* Bank, shall issue or pay out any Note by which payment of a less sum than *Five Dollars* is promised, to any person or his order, or to bearer; and any person who shall hold any such Bank Note, issued or paid out by any Bank, except *Nantucket* Bank, after the said first day of *September* next, shall be entitled to demand and recover of the Bank so issuing the same, the sum of *Five Dollars*.

[This Act passed *June 22, 1799.*]

March 1, 1798. An ACT in Addition to an Act, entitled, "An Act for the Preservation of the Fish called Salmon, Shad, and Alewives, in the Rivers, Streams and Waters within the Counties of *Lincoln* and *Cumberland*, and for repealing all other Laws heretofore made for that Purpose, so far as respects their Operation in the said Counties."

[This Act passed *January 16, 1800.*]

An ACT to set off *Thomas Locke* from the Town of *Burlington*, and annex him to the Town of *Lexington*.
[This Act passed *January 20, 1800.*]

An ACT in Addition to several Acts passed respecting the *Middlesex Canal*. *June 22, 1793.*
[This Act passed *January 25, 1800.*]

An ACT authorizing the Proprietors of the Episcopal Church in *Newbury-Port* to appoint an Agent to convey certain Real Estate.
[This Act passed *January 25, 1800.*]

An ACT to incorporate fundry Persons by the Name of *The President, Directors and Company of Gloucester Bank*. *Addit. Act, June 13, 1800.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That John Somes, David Plumer, William Pearce, James Hayes, Eliphalet Davis, Fitz William Sargeant, and Thomas Parsons, and their associates, partners in the Company now known by the name of The President, Directors and Company of the Gloucester Bank, their successors and assigns, shall be and hereby are created and made a Corporation, by the name of The President, Directors and Company of the Gloucester Bank; and shall so continue from the first day of February next until the expiration of ten years next following: And by that name shall be and hereby are made capable in law, to sue and be sued, plead and be impleaded, defend and be defended, in any Courts of Record, or any other place whatever; and also to make, have and use a common seal, and the same again at pleasure to break, alter and renew; and also to ordain, establish and put in execution such by-laws, ordinances and regulations, as to them shall appear necessary and convenient for the government of said Corporation, and the prudent management of their affairs; Provided, Such by-laws, ordinances and regulations shall in no wise be contrary to the Laws and Constitution of this Commonwealth: And the said Corporation shall be always subject to the rules, restrictions, limitations and provisions herein prescribed.*

Persons incorporated for a limited time.

Legally to act, and be acted upon.

Proviso.

SECT. 2. *And be it further enacted, That the capital stock of said Corporation shall consist of Forty Thousand Dollars, in specie,*

Amount of stock.

specie, and no more, and shall be divided into shares of *One Hundred Dollars* each ; and the Stockholders at their first meeting shall, by a majority of votes, determine the amount of the payments to be made on each share, and the time when the same shall be made ; also the mode of transferring and disposing of the stock and profits thereof : which being entered in the books of said Corporation, shall be binding on the Stockholders, their successors and assigns : *Provided*, That no Stockholder shall be allowed to borrow at said Bank until he shall have paid in his full proportion of said *Forty Thousand Dollars*. And said Corporation are hereby made capable in law, to have, hold, purchase and receive, possess, enjoy and retain to them, their successors and assigns, lands, rents, tenements and hereditaments, to the amount of *Eight Thousand Dollars*, and no more at any one time, with power to bargain, sell and dispose of the same lands, tenements and hereditaments, and to loan and negotiate their monies and effects by discounting, on banking principles, on such security as they shall think advisable. *Provided however*, That nothing herein contained shall restrain or prevent said Corporation from taking or holding real estate in mortgage, to any amount, as collateral security, for the payment of any debt due to said Corporation.

SECT. 3. *And be it further enacted*, That the following rules, limitations and provisions shall form and be the fundamental articles of said Corporation :

First. The total amount of all discounts made by the said Corporation, and monies loaned by them, by a credit on their books or otherwise, shall not at any time exceed double the amount of their capital stock paid into the Bank, and held to answer the demands against the same ; and the said Corporation shall not issue, or have in circulation, at any time, bills, notes or obligations, to a greater amount than double their stock as aforesaid, in addition to the simple amount of all the specie deposited in said Bank for safe keeping ; and in case of any excess, the Directors, under whose administration it may happen, shall be liable for the payment of the same in their private capacity ; but this shall not be construed to exempt said Corporation, or any estate, real or personal, which they may hold as a body corporate, from being also liable for and chargeable with such excess.

Second. That the said Corporation shall not vest, use or improve any of their monies, goods, chattels or effects in trade or commerce ; but may sell all kinds of personal pledges lodged in their hands by way of security, to an amount sufficient to reimburse the sum loaned.

Third. That the lands, tenements and hereditaments, which said Corporation shall hold, shall be only such as shall be requisite for the convenient transaction of its business.

Fourth.

Stockholders
to determine
respecting
payments.

Proviso.

Corporation
entitled to hold
estate.

Further proviso.

Restriction as
to issuing mo-
ney.

Money not to
be used in
trade.

Tenements,
&c.

Fourth. None but a Member of said Corporation, being a Director, citizen of this Commonwealth, and resident therein, shall be eligible for a Director; and the Directors shall choose one of President, their own number to act as President. The Cashier, before Cashier. he enters on the duties of his office, shall give bond, with two sureties, to the satisfaction of the Board of Directors, in a sum not less than *Five Thousand Dollars*, with condition for the faithful discharge of the duties of his office.

Fifth. No Director of any other Bank shall be eligible to the office of Director of this Bank, although he may be a Stockholder therein; and any Director accepting an office in any other Bank, shall be deemed to have vacated his place in this Bank. Officers in other Banks, cannot be so in this.

Sixth. That for the well ordering of the affairs of said Corporation, a meeting of the Stockholders shall be held in such place as they shall direct, on the third Thursday of *April* annually, and at any other time during the continuance of said Corporation, at such place as shall be appointed by the President and Directors, for the time being, by public notification given, or by notice being sent to their respective habitations one week previous thereto; at which annual meeting there shall be chosen, by ballot, seven Directors, to continue in office the year ensuing their election; and the number of votes to which each Stockholder shall be entitled, shall be according to the number of shares he shall hold, in the following proportions; *that is to say*, for one share, and not four, one vote; for four shares, and not eight, two votes; for eight shares, and not twelve, three votes; for twelve shares, and not sixteen, four votes; for sixteen shares, and not twenty, five votes; for twenty shares, and not twenty-five, six votes; for twenty-five shares, and not thirty, seven votes; for thirty shares, and not thirty-five, eight votes; for thirty-five shares, and not forty, nine votes; and for forty shares, ten votes: *Provided*, No one Member shall have more than ten votes; and absent Members may vote by proxy, being authorized in writing. Annual meeting in *April*. Right of voting.

Seventh. No Director shall be entitled to any emolument for his services; but the Stockholders may make the President such compensation as to them shall appear reasonable. President to be paid.

Eighth. Not less than four Directors shall constitute a Board for the transaction of business; of whom the President shall always be one, except in case of sickness or necessary absence; in which case, the Directors present may choose a Chairman, for the time being, in his stead. Board for business.

Ninth. All bills issued from the Bank aforesaid, and signed by the President, shall be binding on said Corporation; but it shall not be lawful for them to issue any bills of a less denomination than *Five Dollars*. Bank Bills.

Tenth.

Dividends.

Tenth. The Directors shall make half yearly dividends of all the profits, rents, premiums and interest of the Bank aforesaid.

Cashier, &c.

how appointed.

Eleventh. The Directors shall have power to appoint a Cashier, Clerks, and such officers for carrying on the business of the Bank, with such salaries as to them shall seem meet.

Bank establish-

ed in Gloucester.

SECT. 4. *And be it further enacted,* That the said Bank shall be established and kept in the town of Gloucester aforesaid.

And whereas it is repugnant to the principles of a free government, that the property of any of its citizens should be placed out of the reach of any of their just creditors :

Property of in-
dividuals liable
to attachment
for just debts.

SECT. 5. *Be it further enacted,* That the property of every individual Member of said Corporation, vested in said corporate funds, shall be liable to attachment, and to the payment and satisfaction of his just debts to any of his *bona fide* creditors, in manner following, *namely :* In addition to the summons by law prescribed to be left with the debtor, a like summons shall be left with the Cashier of said Bank ; and the debtor's share or shares in the corporate funds, together with the interest, rents and profits due, or growing due thereon, shall thereby be held to respond said suit, according to law ; and all transfers of the debtor's shares in the said corporate funds, not noted in the Bank books previous to the delivery of such summons, shall be barred thereby ; and execution may be levied on the property of any Stockholder in said Bank, and his shares therein exposed to sale, in the same manner as is by law provided where personal estate is taken in execution ; and it shall be the duty of the officer who extends such execution, to leave an attested copy thereof, with his doings thereon, with the Cashier of said Bank ; and the purchaser shall thereon be entitled to the reception of all dividends and stock, and to the same privileges as a Member of said Corporation, that the debtor was previously entitled to ; and upon any attachment being made, or execution levied on any share in said Bank, it shall be the duty of the Cashier of said Bank to expose the books of said Corporation to the officer, so far as respects the number of shares said debtor may own ; and to furnish him with a certificate, under his hand, in his official capacity, ascertaining the number of shares the debtor holds in said Bank, and the amount of the dividend thereon due.

Legislative Com-
mittee empower-
ed to examine do-
ings of the Corpo-
ration.

Charter may
be annulled.

SECT. 6. *And be it further enacted,* That any Committee, specially appointed by the Legislature for the purpose, shall have a right to examine into the doings of said Corporation, and shall have free access to all their books ; and if upon such examination it shall be found, and after a full hearing of said Corporation thereon, be determined by the Legislature, that said Corporation have exceeded the powers herein granted them, or failed to comply with any of the rules, restrictions and conditions in this Act provided, their incorporation shall thereupon be declared forfeited and void.

SECT.

SECT. 7. *And be it further enacted*, That the persons herein before named, or any four of them, are authorized to call a meeting of the Members and Stockholders of said Corporation, as soon as may be, at such time and place as they may see fit, by advertizing the same for three weeks successively in the *Salem Gazette*, or by notice being sent to their respective habitations seven days previous to such meeting, for the purpose of making, ordaining and establishing such by-laws, ordinances, and regulations for the orderly conducting the affairs of said Corporation, as the said Stockholders shall deem necessary, and for the choice of the first Board of Directors, and such other officers as they shall see fit to choose.

Persons authorized to call a meeting.

SECT. 8. *And be it further enacted*, That it shall be the duty of the Directors of said Bank to transmit to the Governor and Council of this Commonwealth, for the time being, once in twelve months at least, and as much oftener as they may require, accurate and just statements of the amount of the capital stock of said Corporation, and of debts due to the same; of the monies deposited therein; of the notes in circulation; and of the cash on hand; which statement shall be signed by the Directors, and attested by the Cashier.

Amount of stock to be at stated times transmitted to Governor, &c.

[This Act passed January 27, 1800.]

An ACT to incorporate a Number of the Inhabitants of the Town of *Winthrop*, in the County of *Kennebeck*, into a religious Society by the Name of *The First Congregational Society in Winthrop*.

[This Act passed January 31, 1800.]

An ACT for determining at what Times and Places the several Courts of General Sessions of the Peace and Courts of Common Pleas shall be holden, within and for the County of *Lincoln*, and for repealing all Laws heretofore made for that Purpose.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That all the laws heretofore made, and now in force, determining the times and places for holding the several Courts of General Sessions of the Peace and Courts of Common Pleas, within and for the county of *Lincoln*, so far as respects the times and places for holding the said Courts, be and they hereby are repealed.

Former laws repealed.

SECT. 2. *And be it further enacted*, That the times and places for holding the Courts of General Sessions of the Peace and

Times for holding Courts.

and Courts of Common Pleas, within and for the county of *Lincoln*, shall be as follows, *to wit* : At *Pownalborough*, on the first Tuesday of *June* ; at *Topsham*, on the second Tuesday of *September* ; and at *Warren*, on the second Tuesday of *January* annually.

[This Act passed *February 4*, 1800.]

June 18, 1796.

An ACT in Addition to an Act, entitled, “ An Act for incorporating certain Persons for the Purpose of building a Bridge over *Connecticut-River*, in the County of *Hampshire*, and for supporting the same.”

[This Act passed *February 4*, 1800.]

An ACT to alter the Appropriation of the Sum of *Two Hundred Pounds* per Annum, made by an Act passed in the Year One thousand seven hundred and ninety-six, entitled, “ An Act to alter the Appropriation of the Sum of *Two Hundred Pounds*, payable annually by the Proprietors of *West-Boston Bridge*, to the University of *Harvard College*.”

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the appropriation of the sum of *Two Hundred Pounds* per annum, made by an Act passed in the year of our Lord one thousand seven hundred and ninety-six,* entitled, “ An Act to alter the appropriation of the sum of *Two Hundred Pounds*, payable annually by the Proprietors of *West-Boston Bridge*, to the University of *Harvard College*,” be so far altered, as that the President and Fellows, with the approbation of the Overseers of the said College, shall have a discretionary power to apply the said sum, or any part thereof, to the support of one or two permanent Tutors in the said University, as the funds and the interest of the said College shall, in their opinion, require.

* 27th Feb.

Conditional discretionary power given.

SECT. 2. *And be it further enacted*, That the said permanent Tutor or Tutors shall and may be displaced for inability, insanity, or any other incapacity, or for any other just and reasonable cause, at the discretion of the said President and Fellows, with the consent and approbation of the Overseers of the said College.

[This Act passed *February 6*, 1800.]

9th sect. repealed, June 5, 1800.

An ACT to incorporate *Hugh McLellan*, and others, into a Company by the Name of *The Maine Fire and Marine Insurance Company*.

[This Act passed *February 7*, 1800.]

An ACT to enable the Proprietors of a certain Piece of rough Salt Marsh, situate in the Town of *Roxbury*, in the County of *Essex*, to make and maintain a Dike, for the better improving the same.

[This Act passed *February 13, 1800.*]

An ACT in Addition to an Act, entitled, "An Act *June 25, 1795.* to incorporate fundry Persons by the Name of *The President and Directors of the Merrimack Bank.*"

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the capital stock of said Corporation may be increased the sum of *One Hundred Thousand Dollars*, in addition to the sum of *One Hundred and Fifty Thousand Dollars*, which the said Corporation is allowed to hold by the Act to which this is in addition; so that the whole capital stock thereof shall not exceed the sum of *Two Hundred and Fifty Thousand Dollars* in specie; and shall be divided into shares of *Five Hundred Dollars* each, any thing in the said Act, to which this is in addition, to the contrary notwithstanding. Capital increased.

SECT. 2. *Be it further enacted,* That all the sums which may be added to the capital stock of said Corporation, under the authority of this Act, shall be subscribed and paid in, under the control of the Directors thereof, for the time being, and by such persons, and in such time and manner as they shall order and direct. New subscriptions.

[This Act passed *February 21, 1800.*]

An ACT to alter the Time of holding the Courts of Common Pleas and General Sessions of the Peace, now by Law holden at *Portland*, within and for the County of *Cumberland*, on the last Tuesday of *April*.

WHEREAS divers inconveniencies attend the holding of the said Court on the said last Tuesday of *April*, and the Justices of said Courts have petitioned this Court to alter the same : Preamble.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Courts of Common Pleas and General Sessions of the Peace, which by law are now appointed to be holden at *Portland*, within and for the county of *Cumberland*, on the last Tuesday of *April* annually ; shall hereafter be holden at said *Portland*, within and for said county of *Cumberland*, on the last Tuesday of *March* annually. And all writs, processes, Time for holding Courts. matters

matters and things, which might have been returnable to, have day in, be heard and determined at the Court of General Sessions of the Peace and Court of Common Pleas, which was to have been holden at said *Portland* on the last Tuesday of *April* next; shall be returnable to, have day in, be heard and determined at the said Courts, to be holden by virtue of this Act, at said *Portland*, on the last Tuesday of *March* next.

[This Act passed *February* 21, 1800.]

An ACT to incorporate the Plantation heretofore called *New-Pennycook*, in the County of *Cumberland*, into a Town by the Name of *Rumford*.

[This Act passed *February* 21, 1800.]

An ACT to incorporate the Plantation called *Number Two*, lying on the east Side of *Penobscot-River*, into a Town by the Name of *Orland*.

[This Act passed *February* 21, 1800.]

June 10, 1800. An ACT for establishing a Corporation by the Name of *The Eighth Massachusetts Turnpike Corporation*.

[This Act passed *February* 24, 1800.]

An ACT to apportion and assess a Tax of *One Hundred and Thirty-Three Thousand, Four Hundred and Thirty-Five Dollars and Thirteen Cents*; and providing for the Reimbursement of *Twenty Thousand, Five Hundred and Fifty-Four Dollars*, paid out of the public Treasury to the Members of the House of Representatives, for their Attendance the two last Sessions of the General Court.

[This Act passed *February* 24, 1800.]

An ACT for incorporating the Owners of certain Meadow Lands in the Town of *Orleans*, in the County of *Barnstable*, for the Purpose of managing the same as a common and general Field.

[This Act passed *February* 25, 1800.]

An

An ACT in Addition to an Act, entitled, "An Act Feb. 16, 1786. for enforcing the speedy Payment of Rates, and directing the Process against deficient Constables and Collectors."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the*

same, That if the inhabitants, qualified to vote in town affairs, of any town, district or plantation in this Commonwealth, from which any State tax or taxes now remain due and unpaid, or from which any State or County tax shall be hereafter required, shall neglect, for the space of five months after having received the warrant of the Treasurer for assessing any State tax, to choose Assessors to assess the same, and cause the assessment thereof to be certified as the law requires, to the Treasurer of the Commonwealth, for the time being; and agreeable to his warrant directing the same, he is hereby authorized and directed to issue his warrant, under his hand and seal, directed to the Sheriff of the county or his deputy, requiring him to levy and collect, by distress and sale, the sum mentioned therein, of the estates, real and personal, of any inhabitant or inhabitants of such deficient town, district or plantation; which warrant the said Sheriff or his deputy is hereby empowered and required to execute; observing the same rules and regulations as are by law provided for satisfying warrants against deficient Collectors of public taxes; and it shall be the duty of the said Sheriff or his deputy, on receiving the said warrant, forthwith to transmit an attested copy thereof to the Selectmen or Clerk of the town, district or plantation named therein; and if the Assessors shall, within sixty days from the receipt of such attested copy, deliver to the said Sheriff or his deputy, a certificate according to law, of the assessment of the tax or taxes required by said warrant, and pay the officer his legal fees, he shall forthwith transmit the same certificate to the said Treasurer, and return the warrant unsatisfied.

Cause of a town's neglecting to choose Assessors.

Sheriff directed.

SECT. 2. *Be it further enacted,* That if the inhabitants, qualified to vote in town affairs, of any town, district or plantation in this Commonwealth, from which any State or County tax shall hereafter be required, shall neglect to choose and keep in office, Assessors to assess the same as the law requires, the Treasurer of the Commonwealth or of the county, for the time being, is hereby authorized and directed to issue his warrant, under his hand and seal, directed to the Sheriff of the county or his deputy, requiring him to levy and collect the sum mentioned therein in manner aforesaid: And the said Sheriff or his deputy shall execute said warrant, observing all the rules and regulations, and all the provisions mentioned in the first section of this Act.

Further directions respecting choosing Assessors.

Assessors neglecting their duty.

SECT. 3. *Be it further enacted*, That if the inhabitants, qualified to vote in town affairs, of any town, district or plantation in this Commonwealth, from which any State tax or taxes now remain due and unassessed, or from which any State or County tax shall be hereafter required, shall choose Assessors who shall neglect to assess the tax required by the warrant issued to them, or to re-assess any tax on the failure of any Collector, and to certify the assessment as the law directs, and the estates of such Assessors shall be found insufficient to pay the same tax, in the manner already provided by law,—then, and in every such case, the Treasurer of the Commonwealth or of the county, for the time being, is hereby authorized and directed to issue his warrant, under his hand and seal, directed to the Sheriff of the county or his deputy, requiring him to levy and collect, by distress and sale, so much of the sum mentioned therein as the estates of the Assessors shall be insufficient to pay, of the estates, real or personal, of any inhabitants of the deficient town, district or plantation; which warrant the said Sheriff or his deputy shall execute; observing all the rules and regulations, and all the provisions mentioned in the first section of this Act.

Inhabitants to be indemnified.

SECT. 4. *Be it further enacted*, That if the estate of any inhabitant or inhabitants (not being an Assessor or Assessors of any town, district or plantation) shall be levied upon and taken as aforesaid, he or they shall have an action or actions against the town, district or plantation, to recover the full value of the estate so levied upon and taken, with interest thereon, computed at the rate of *twelve per centum* per annum, from the time the said estate was taken, with legal costs of suit: And at the trial, the plaintiff or plaintiffs shall be admitted to prove the real and true value of the estate so taken at the time the same was levied upon.

And in order that such action or actions may be supported against a plantation:

Plantations empowered.

SECT. 5. *Be it further enacted*, That each plantation in the said Commonwealth, from which any State tax or taxes now remain due and unassessed, or from which any State or County tax shall hereafter be required as aforesaid, be and hereby is made a body politic and corporate, for the purposes aforesaid, and liable to such action or actions, with full power to defend the same, in the same manner as towns by law may defend suits against them.

[This Act passed February 25, 1800.]

An ACT for the Preservation of the Fish called Bass, in *Dunston-River*, in *Scarborough*, in the County of *Cumberland*.

[This Act passed February 25, 1800.]

An ACT for allowing the Proprietors of the Upper Locks and Canals on *Connecticut-River*, in the County of *Hampshire*, a further Time for completing their Works.

Feb. 27, 1794

[This Act passed February 25, 1800.]

An ACT establishing *The Ninth Massachusetts Turnpike Corporation*.

June 10, 1800.

[This Act passed February 25, 1800.]

An ACT for dividing the second Parish in the Town of *West-Springfield*, in the County of *Hampshire*, into two Parishes.

[This Act passed February 26, 1800.]

An ACT to incorporate the Plantation *Number Seven*, lying on both Sides of *Union-River* in the County of *Hancock*, into a Town by the Name of *Ellsworth*.

[This Act passed February 26, 1800.]

An ACT giving a Remedy in Law against the Executors and Administrators of deceased Debtors, in joint Contracts.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the goods and estate of each deceased Debtor, in every joint contract hereafter to be made, whether obligation, covenant, or other instrument under seal, promissory note, memorandum in writing, or any other contract express or implied, or in any judgment on any contract hereafter to be made, shall be liable in the hands of his executors and administrators for the payment thereof, in like manner; and the creditor shall have the same remedy, and may have and maintain an action in law against such executors and administrators, in the same manner as if such contract had been joint and several.

[This Act passed February 26, 1800.]

An ACT in Addition to the Act incorporating sundry Persons by the Name of *The Proprietors of the Locks and Canals on Connecticut-River*, and the other Acts since passed respecting the same.

Feb. 23, 1792.

[This Act passed February 26, 1800.]

June 22, 1797. An ACT in Addition to an Act, entitled, "An Act to prevent the spreading of contagious Sicknefs."

Preamble.

WHEREAS it is necessary that some further provision should be made by law, to require vessels to perform quarantine, for the safety of the people in this Commonwealth :

Selectmen authorized.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That whenever it shall appear to the Selectmen of any sea-port town within this Commonwealth (other than *Boston* and *Salem*) that the safety of the inhabitants thereof requires, that any vessel or vessels which shall arrive in any harbour or river within this Commonwealth, from any port or place, should perform quarantine, the Selectmen of any town where such vessel shall so arrive are hereby required and empowered to cause such vessel or vessels to perform quarantine, at such place as they shall appoint, and under such restrictions and regulations as they may judge expedient ; and any owner, master or supercargo, officer, seaman or consignee of such vessel or vessels, or any other person who shall neglect or refuse to obey the orders, directions, rules, regulations and restrictions of the said Selectmen, respecting the said quarantine, and shall be convicted thereof, upon indictment or information, before the Supreme Judicial Court or Court of General Sessions of the Peace, held in the county where the offence may be committed, shall forfeit and pay a sum not exceeding *Five Hundred Dollars*, or be imprisoned for a term of time not exceeding six months, or both, at the discretion of the Court having cognizance of such offence.

Penalty for disobeying orders, directions, &c. of Selectmen.

Attention to be paid to any information of quarantine.

No person or thing to be landed.

Penalty.

SECT. 2. *Be it further enacted,* That when any master or commander of any vessel shall come up to any sea-port town aforesaid, with his said vessel, after notice given to him by any person or persons whomsoever, that a quarantine has been directed by the said Selectmen for all vessels coming from the port or place from which such master or commander shall have arrived ; or shall falsely or fraudulently attempt to elude the directions of the said Selectmen, by false and unfounded declarations of the port or place from whence he came ; or shall land, or suffer to be landed from his vessel, any person or persons, or apparel, bedding, goods or merchandize whatsoever, without the permission of the said Selectmen,—every such master or commander shall, upon conviction thereof in manner and form pointed out in the first section of this Act, forfeit and pay a sum not exceeding *Five Hundred Dollars*, or suffer imprisonment for a term not exceeding six months, or both, at the discretion of the Court having cognizance of such offence.

SECT. 3. *Be it further enacted,* That whenever the said Selectmen shall think it necessary to order all vessels which shall or may arrive at any of the sea-port towns aforesaid, from any particular

ular port or ports, to perform quarantine, and shall give notice of such order to the Pilots of the said sea-port towns; it shall be the duty of such Pilots to make known the said order to the captains or masters of all vessels which they shall board. And if any Pilot, after notice given to him as aforesaid, shall neglect to make known the said order, or shall pilot any such vessel up to any town aforesaid, he shall, upon conviction thereof in manner and form pointed out in the first section of this Act, forfeit and pay a fine not exceeding *One Hundred Dollars*.

When Selectmen shall order quarantine, Pilots directed to make it known to captains, &c.

Penalty.

SECT. 4. *Be it further enacted*, That the Selectmen of each of the sea-port towns aforesaid, shall provide, at the expense of such towns, a suitable number of red flags, of three yards at least in length; and the master of every vessel ordered to perform quarantine, for the purpose of purification, shall hoist one of said flags on the head of the mainmast, there to be kept during the whole time, so long as said vessel or vessels are performing quarantine; and no person during that time shall go on board, except those employed by the said Selectmen; and every person who shall transgress by going on board any such vessel, shall be considered as contaminated with infection, and held to undergo purification in the same manner, and under the same regulations and restrictions, as those persons who are performing quarantine on board such vessel or vessels, and shall there remain until discharged by order of said Selectmen, who, by any person or persons employed by them, may forcibly detain such person or persons transgressing as aforesaid, for the purpose of purifying as aforesaid.

Red flags to be hoisted.

Persons not to go on board such vessels.

Penalty.

SECT. 5. *Be it further enacted*, That in every sea-port town aforesaid, where there is a Health-Committee or a Health-Officer, legally chosen and appointed in manner as directed by the Act to which this is in addition, and the Selectmen of such town shall judge it necessary, and shall certify it under their hands, or the major part of them; such Health-Committee or Health-Officer are hereby authorized to perform all the duties, and exercise all the authority which Selectmen are authorized and required to execute, in requiring any person or persons, vessel or vessels as aforesaid, to perform quarantine in manner as pointed out in this Act.

Health-Committee or Officer authorized.

SECT. 6. *And be it further enacted*, That all the forfeitures arising from this Act, shall accrue to the use of the town where the offence shall be committed; and all expenses arising from any vessel, person or persons, or effects on board the same, performing quarantine as aforesaid, shall be paid by the owner or owners of such vessel, or effects on board the same; and in case of refusal to pay such expenses, the same may be recovered by an action of debt in the name of the Selectmen, Health-Committee, or Health-Officer, as the case may be, in any Court proper to try the same.

Appropriation of forfeitures.

Expenses from any vessel, &c. by whom paid.

Case of refusal.

[This Act passed February 26, 1800.]

An ACT for the due Regulation of Weights and Measures.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the brass and copper Weights and Measures, formerly sent out of England, with a certificate from the Exchequer, to be approved Winchester Measures, according to the Standard in the said Exchequer, and adopted, used and allowed in this Commonwealth, be and remain the public allowed Standards throughout the same; by which all Weights and Measures shall be tried, proved and sealed, in manner as is herein after provided. And it shall be the duty of the Treasurer of this Commonwealth, at the expence thereof, to cause to be had and preserved as public Standards, and which shall be used only as such, the following Beams, Weights and Measures, to wit: one Bushel, one Half-Bushel, one Peck, one Half-Peck, one Ale Quart, one Wine Gallon, one Wine Half Gallon, one Wine Quart, one Wine Pint, one Wine Half Pint, and one Wine Gill; said Measures to be made of copper or pewter, conformable, as to contents, to said Winchester Measures, and as to breadth, that is to say, the diameter of the Bushel, not less than eighteen inches and a half, containing thirty-two Winchester Quarts; of the Half Bushel, not less than thirteen inches and three quarters, containing sixteen Winchester Quarts; of the Peck, not less than ten inches and three quarters, containing eight Winchester Quarts; and of the Half Peck, not less than nine inches, containing four Winchester Quarts; the admeasurement to be made, in each instance, within side of the Measure: Also one Ell, one Yard, one set of brass Weights to four pounds, computed at sixteen ounces to the pound, with fit Scales and steel Beam: Also a good Beam and Scales, and a nest of Troy Weights, from one hundred and twenty-eight ounces, down to the least denomination, with the weight of each Weight, and the length of each Measure marked or stamped thereon respectively, and sealed with a seal to be procured and kept by the Treasurer aforesaid; and also one fifty-six pound Weight, one twenty-eight pound Weight, one fourteen pound Weight, and one seven pound Weight, made of iron.*

SECT. 2. *Be it further enacted, That it shall be the duty of the Treasurer of each county, at the expence thereof, to procure, before the first day of September next, one complete set of Beams, and of the brass, copper, pewter and iron Weights, and of the Measures* aforesaid, well tried, proved and sealed by the said State Standards, and marked or stamped as aforesaid; said Measures, as to breadth as well as contents, to be conformable to the State Standards aforesaid; which the said County-Treasurer shall keep and preserve, for the use of the respective counties, and to be used as Standards only.*

And

Winchester Measures established as Standards.

Treasurer to procure Measures, Weights, &c.

Description thereof.

Treasurers of each county, to procure Measures, Weights, &c.

* The providing and keeping the Bushel measure, by Treasurers, repealed; see June 16, 1800.

And once in ten years afterwards, the respective Treasurers, for the time being, of the several counties, shall cause the same to be tried, proved and sealed by the Treasurer and Standards of the Commonwealth. And if any County-Treasurer shall neglect his duty in this behalf, he shall forfeit and pay, for each neglect, the sum of *Two Hundred Dollars*, to the use of the Commonwealth, to be recovered in an action of debt, in the name of the Commonwealth, in any Court proper to try the same, with costs of suit : *Provided however*, That if any County-Treasurer has, within one year next preceding the passing of this Act, provided the several Weights and Measures herein before specified, and had the same tried and approved by the Treasurer of this Commonwealth, such County-Treasurer shall not be holden to have such Weights and Measures again tried and proved until the expiration of ten years from the first day of *September* next.

To be resealed every 10 years, by the County-Treasurer.

In case of neglect,
Penalty.

Proviso.

SECT. 3. *Be it further enacted*, That it shall be the duty of the Treasurer of each town and district within this Commonwealth, at the expense of such town or district, to procure, before the first day of *January* next, and ever after to preserve as Town and District Standards, a complete set of the Beams, Weights, and copper or pewter Measures, conformable to the State Standards as aforesaid ; excepting however, the said *Busbel Measure* ; and excepting also, that no Treasurer of any town or district shall be bound to procure a nest of Troy Weights other than from the lowest denomination to the size of eight ounces, which it is hereby made his duty to procure ; all of which he shall cause to be well tried, proved and sealed as aforesaid, either by the Treasurer of this Commonwealth, or of the county within which such town or district shall be situated, and to have the same tried, proved and sealed as aforesaid, once in every ten years afterwards. And the State or County-Treasurer shall be entitled to demand and receive, of each Town or District-Treasurer, a fee of *Three Cents*, for the first sealing of any Weight, Measure, Scale or Beam, and *Two Cents* for each and every after sealing of the same. And it shall also be the duty of Town and District-Treasurers to procure, at the expense thereof, and to preserve, a proper Town or District Seal, for the purposes hereinafter mentioned. And if any Town or District-Treasurer shall neglect his duty in the premises, he shall, for each neglect, forfeit and pay *One Hundred Dollars* ; one moiety thereof to the use of the poor of the town or district, and the other moiety to him or them who shall sue for the same, to be recovered in an action of debt, with costs of suit, in any Court proper to try the same.

Town-Treasurers to procure a complete set of Beams, Weights and Measures, for Town Standards.

Exceptions.

Fees for the Treasurers.

Towns to have a seal, which is to be provided by their Treasurer.

Penalty for neglect.

SECT. 4. *Be it further enacted*, That after the first day of *January* next, it shall be the duty of the Selectmen of each town and district in this Commonwealth, in the month of *March*

Selectmen to appoint Sealers of Weights and Measures, within their limits:

And may remove Sealers.

Vacancies to be filled.

Persons appointed to office, to be notified, &c.

Penalty for a Sealer's refusing to serve.

----- for Selectmen not duly executing this law.

Provision for more than one Sealer.

Sealers to receive Standards and give receipts.

Notifications to be posted, &c.

March or April annually, to appoint a suitable person to be a Sealer of Weights and Measures within the same. And it shall also be the duty of the Selectmen in such towns or districts in this Commonwealth, as shall, at any of their annual meetings in *March or April*, which shall be holden after the first day of *January* next, vote to have more than one Sealer of Weights and Measures within their town or district, to appoint suitable persons therefor. And the Selectmen of the several towns and districts are hereby authorized to remove from office any person or persons by them appointed as Sealers of Weights and Measures, by virtue of this Act. And it shall be the duty of the Selectmen, upon any vacancy which shall happen in the office of Sealer of Weights and Measures, either by death, removal, resignation, refusal to accept, or otherwise, immediately to appoint some other suitable person to fill the place. And each person who shall be appointed to such office shall be notified of his appointment, and sworn as other town officers are. And if any person so appointed and notified shall refuse or neglect to take such oath, for the term of seven days after he shall have received such notice, he shall forfeit and pay *Five Dollars*, to be recovered in the manner, and to the uses other fines are, for refusing to serve in other town offices. And if any Selectman shall not duly execute this law, so far as to him appertains, he shall forfeit and pay, for each month's neglect, the sum of *Ten Dollars*, to be recovered in like manner, and to like uses. And the Treasurers of such towns and districts as shall, as aforesaid, vote to have more than one Sealer of Weights and Measures within their town or district, shall, at the expense thereof, procure, and shall preserve the necessary additional Seals, Weights and Measures before specified; so that each Sealer in such town or district may have complete sets of the same, under like penalties and forfeitures as are provided in the third section of this Act.

SECT. 5. *Be it further enacted*, That it shall be the duty of each Sealer of Weights and Measures, as soon as appointed and sworn, to receive of the Town or District-Treasurer, the said town or district Standards and Seal, and to give him a receipt therefor, expressing the contents thereof, and the condition in which the same may be; and in such receipt engaging, at the expiration of his (the said Sealer's) office, to deliver the same, in like order and condition, to the said Treasurer or his order; and such Sealer shall be accountable to the town or district, for the due preservation of the same, so long as he shall hold them on such receipt.

SECT. 6. *Be it further enacted*, That it shall be the further duty of the said Sealer of Weights and Measures, in the month of *May*, in the year one thousand eight hundred and one, and in the month of *May* in every year afterwards, to post up written notifications in the several parts of the town or district,

strict, expressing therein the time and place, when and where he will attend such of the inhabitants as live within the limits described in his notification, and seal all such of their great and small Beams, Weights and Measures, as they shall bring in for that purpose. And the said Sealer shall be entitled to demand and receive, for trying and proving by said Town and District Standards, and sealing, as aforesaid, *Three Cents* for each Beam, Weight and Measure found to be not conformable to said Standards, and *One Cent and Five Milles* for each Beam, Weight and Measure found to be conformable thereto. And the said Sealer shall deface and destroy all Weights and Measures which cannot be brought to their just Standards.

SECT. 7. *Be it further enacted*, That the said Sealer be and he hereby is authorized and required to go to the houses of such innholders, and to the warehouses, stores and shops of such merchants, traders and retailers of spirituous liquors, and authorized to go to the houses of such of the other inhabitants as shall neglect, as aforesaid, to bring or send in the said Beams, Weights and Measures; and there (at their said houses, stores, shops and warehouses) to try, prove and seal the same Beams, Weights and Measures. And the Sealer shall have a right to demand and receive therefor *Four Cents*, for each and every mile he shall necessarily travel for that purpose, going out and returning home, and double his fees aforesaid, of the owner, to be recovered by action of debt, or on the case, with costs, in any Court proper to try the same. And if any such person or persons shall refuse or neglect to have his, her or their Beams, Weights or Measures so tried, proved and sealed, he, she or they shall forfeit and pay *Ten Dollars* for each offence; one moiety to the use of the poor of the town or district, and the other moiety to the Sealer, to be recovered in an action of debt, with costs, as aforesaid. And if any Sealer of Weights and Measures shall neglect his duty in any of the cases in this Act specified, he shall, for each neglect, forfeit and pay not less than *Five*, nor more than *Ten Dollars*; one moiety thereof to the poor of the town or district, and the other moiety to the informer, to be recovered by an action of debt, or on the case, with costs, as aforesaid.

SECT. 8. *Be it further enacted*, That all Measures by which meal, fruit or any other thing usually sold by heaped measures shall be sold, shall be conformable, as to capacity and breadth, to the public allowed Standards aforesaid. And if any person shall sell, or expose to sale, any meal, fruit or other thing, usually sold by heaped measure, by any other measure, as to capacity and breadth, than is before mentioned, or shall sell, or expose to sale, any goods, wares or merchandize, grain or other commodity whatsoever, by any other Beams, Weights or Measures than those sealed as aforesaid, he shall forfeit and pay, for each offence, not less than *One Dollar*, nor more than

Sealers' fees.

Sealers to go to houses, &c.

Sealers' fees for travelling.

Penalty for refusing to have Weights, &c. sealed.

----- for Sealers neglecting duty.

----- for selling by other than sealed Weights, &c.

Ten

Appropriation. *Ten Dollars*, according to the circumstances of the case ; one moiety thereof to the use of the poor of the town or district, and the other moiety to the said Sealer, or to him or them who shall sue for the same, to be recovered in an action of debt or on the case, with costs of suit, in any Court proper to try the same.

Act to commence operation.

SECT. 9. *And be it further enacted*, That this Act shall take effect and be in force from and after the first day of *January* next, and until such time as the Congress of the United States shall have fixed by law the Standard of Weights and Measures ; and that the several Acts, the subject-matter whereof is herein contained, and which were passed previous to the year one thousand seven hundred and eighty-one, be and the same hereby are repealed, and shall cease to operate on and after that day, except so far as may respect any fines or forfeitures which have been, or before that day may be incurred under the same.

Law repealed.

SECT. 10. *Provided however, and be it further enacted*, That the first, second and third sections of this Act shall be considered as operating and having force and effect, from the passing hereof ; and that that part of the eighth section of this Act which respects forfeitures and penalties, shall not operate or have effect until the first day of *June*, in the year one thousand eight hundred and one ; and that such parts of the several Acts aforesaid, hereby to be repealed, as relate to the subject-matter of the eighth section of this Act, shall continue in force to the same first day of *June*, and until the recovery of such fines, forfeitures, and penalties as may be incurred under the same previous to that day ; any thing herein before contained to the contrary notwithstanding.

Proviso.

[This Act passed *February 26, 1800.*]

An ACT empowering Towns to restrain Cattle from running at large within their several Limits.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the inhabitants of any town within this Commonwealth may, at any town meeting legally holden for that purpose, order and direct that neat Cattle, Horses or Horse-kind, Mules or Asses shall not go at large, within the limits of such town, without a keeper, under a penalty therefor of *Twenty-Five Cents* for each beast at any one time so found at large ; which penalties may be recovered, with costs, by any inhabitant of such town, to his own use, by impounding such beast, and proceeding therewith in manner as is provided in cases of cattle found, *damage feasant*.

Penalty.

[This Act passed *February 26, 1800.*]

An

An ACT to incorporate a Number of the Inhabitants of the Towns of *Ashfield* and *Buckland*, in the County of *Hampshire*, into a religious Society by the Name of *The United Baptist Church and Society in Ashfield and Buckland*.

[This Act passed *February 26, 1800.*]

An ACT to encourage the Manufacture of Leather, Boots, Half-Boots, Shoes, Pumps, Sandals, Slippers and Goloshoes, and to prevent Fraud therein.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the first day of *June* next, each manufacturer of Leather, or of Boots, Half-Boots, Shoes, Pumps, Sandals, Slippers or Goloshoes, shall have the exclusive right of stamping said articles, by him or her manufactured, with the initial letter of his or her christian name, and his or her surname at large, and the name of the town or place of his or her abode; and such stamping shall be considered as a warranty that the article stamped is merchantable, being made of good materials and well manufactured.

Manufacturers authorized to stamp.

SECT. 2. *Be it further enacted,* That none of the aforementioned articles shall be considered as merchantable unless stamped as aforesaid.

Not merchantable unless stamped.

SECT. 3. *Be it further enacted,* That any person who shall fraudulently stamp, or aid and abet in fraudulently stamping, either of the articles aforesaid, with the name or stamp of any other person, on due conviction thereof, shall be punished as guilty of a fraud, either by fine, not exceeding *One Hundred Dollars*, or by imprisonment, not exceeding six months, or by both those punishments, at the discretion of the Court having cognizance thereof.

Penalty for fraudulently stamping.

SECT. 4. *Be it further enacted,* That an Act passed *Anno Domini* one thousand six hundred and ninety-eight, entitled, "An Act for the regulating Tanners, Curriers, and Cordwainers," and also all laws heretofore made, respecting the manufacture of Leather, be and they hereby are repealed, except that they shall remain in force, so far as may be necessary to complete the collection of all fines and forfeitures, for the recovery of which a prosecution has already been commenced.

Former laws repealed.

[This Act passed *February 27, 1800.*]

An

Mar. 10, 1791, An ACT to regulate the Manufacture of Nails within
Feb. 27, 1795, this Commonwealth, and to repeal all Laws here-
Feb. 26, 1796. tofore made for that Purpose.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the*
 Inspector to be *same,* That the Governor, by and with the advice and consent
 appointed. of the Council, be and he hereby is empowered to appoint, in
 the town of *Boston*, one suitable person, to be Inspector of Nails,
 whose duty it shall be to examine every cask of wrought Nails
 which shall be brought to him for inspection, by opening such
 Manner of in- cask, turning out the Nails contained therein, weighing them,
 specting and and ascertaining the number of them necessary to make a
 branding. pound, their quality, (both as it respects the workmanship of
 them, and the iron of which they are made) and shall then
 proceed and mark or brand on the head of such cask the num-
 ber thereof, the whole weight of the cask and Nails, the weight
 of the cask only, or the tare, the number of Nails necessary to
 make a pound, and also the quality thereof, to wit: *first sort,*
second sort, or *refuse*; and shall also thereupon stamp his
 name at large, and the title of his office.

SECT. 2. *Be it further enacted,* That this Act shall not con-
 strain the Inspector to mark or brand the head of any cask con-
 taining any Nails, thirty-five whereof shall weigh more than one
 pound; but beginning at thirty-five, it shall be his duty to ob-
 serve *five* as the progressing number, in the number of Nails
 necessary to weigh a pound, in any cask which he shall be re-
 quired to inspect; always choosing and marking such pro-
 gressive number as aforesaid to which the number of Nails in
 a pound nearest approaches.

SECT. 3. *Be it further enacted,* That the Inspector to be
 appointed as aforesaid, be and hereby is authorized to appoint,
 within any town in this Commonwealth from which Nails are
 usually exported, a deputy or deputies, who are hereby author-
 ized and empowered to do and perform all the duties incum-
 bent on the said Inspector by law, in their respective towns;
 and the said Inspector and his deputies shall severally give
 bonds to the Commonwealth, with sufficient sureties, in the
 opinion of the Governor and Council, and in such sum as they
 may direct; and shall also be under oath, for the faithful dis-
 charge of the duties of their office, previous to their entering
 on the duties thereof, and the bonds so given shall be lodged
 in the public treasury.

SECT. 4. *Be it further enacted,* That from and after the
 first day of *September* next, no person shall export from this
 Commonwealth, by land or water, any cask, package or quan-
 tity of Nails which shall not be inspected, marked and branded
 as aforesaid, as of the *first* or *second sort*, upon pain of forfeit-
 ing a sum equal to the value of each cask, package or quan-
 tity

tity so exported, to be sued for and recovered by action of debt, in any Court proper to try the same; one half to the use of the prosecutor, and the other half to the use of the poor of such town from whence they may be exported: And the like penalty may be in like manner and to like uses prosecuted for, against, and recovered of, any master of any vessel which shall receive on board for exportation, or any waggoner who shall export as aforesaid any such Nails not inspected, marked and branded as aforesaid.

SECT. 5. *Be it further enacted*, That it shall be the duty of said Inspector and his deputies respectively, to see that every cask containing such Nails, shall be well made, of sufficient strength, and well lined at both heads; the cask to be secured with eight or more good hoops, and to contain not more than three hundred and fifty pounds of Nails. And in case any such cask shall (in the opinion of such Inspector or deputy) be unfit for use, it shall be by him condemned. And if any hoops be wanting to complete the number before mentioned, on any cask otherwise fit for use, he shall put on the same, at the expense of the person applying for inspection as aforesaid.

SECT. 6. *Be it further enacted*, That if the said Inspector or any of his deputies, shall, on application made for the inspection of any cask or casks of Nails as aforesaid, unreasonably delay to make such inspection, he shall forfeit and pay, for each offence, the sum of *Four Dollars*, to be recovered and applied as the forfeiture herein before mentioned.

SECT. 7. *Be it further enacted*, That it shall be the duty of the several Deputy-Inspectors aforesaid, once in three months, and oftener if required, to make returns to the Inspector of the number of casks by them respectively inspected, together with the quantity of Nails of each kind; and the Inspector shall annually, and oftener if required, make such return of the Nails by him and his deputies inspected in the Commonwealth, to the Governor and Council.

SECT. 8. *Be it further enacted*, That if any person shall counterfeit any brand used, or intended to be used for the purposes aforesaid, or shall brand, mark or impress any cask of Nails with any such brand, or counterfeit thereof, or put into any cask inspected and branded as aforesaid, any other Nail; than those contained therein, when the same shall have been so inspected, with intent to sell or export any such Nails so put in as aforesaid, he shall, for each cask, into which Nails shall be so put, forfeit and pay the sum of *Twenty Dollars*, to be recovered and applied as the foregoing forfeitures, herein mentioned, are directed to be recovered and applied.

SECT. 9. *Be it further enacted*, That every cask of Nails which shall, after the said first day of *September* next, be offered for sale in any town in this Commonwealth where such Inspector

How recovered.

Appropriation.

Casks to be well made.

Penalty for delaying to inspect.

Returns to be made.

Penalty for counterfeiting brands, &c.

Uninspected Nails offered for sale, to be forfeited.

Inspector or any one of his said deputies shall reside and be authorized to inspect Nails as aforesaid, and which shall not be inspected, branded or marked as aforesaid, shall be forfeited, to be recovered and applied in the same manner as other forfeitures herein before mentioned.

Fee for the Inspector or his deputy.

Former laws repealed :

Proviso.

SECT. 10. *And be it further enacted*, That the said Inspector or either of his deputies aforesaid, shall ask and receive, for every cask of Nails inspected as aforesaid, *Twenty Cents*, of the person procuring such inspection ; and that from and after the said first day of *September* next, all laws heretofore made respecting the manufacture, sale, inspection or exportation of Nails in this Commonwealth, be and the same are hereby repealed : *Provided always*, That nothing herein contained shall be construed to affect the exportation of Nails actually inspected prior to the said first day of *September*.

[This Act passed *February* 28, 1800.]

An ACT to incorporate a religious Society by the Name of *The German Protestant Society in the Town of Waldoborough*.

[This Act passed *February* 28, 1800.]

June 25, 1789.

An ACT in Addition to an Act, entitled, "An Act to provide for the Instruction of Youth, and for the Promotion of good Education."

Inhabitants authorized to raise money, &c.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the inhabitants of the several School Districts within any town which hath already, or shall hereafter define the limits of such districts, qualified to vote in town affairs, be and they are hereby empowered, at any meeting called in manner herein after provided, to raise money for erecting or repairing a School-house, in their respective districts, to determine in what part of the district to erect said house, to choose a Committee to superintend the building and repairing the same, and to choose a Clerk, who shall be sworn faithfully to discharge the duties of his office ; whose duty it shall be, to make a fair record of all votes passed at any meeting of the district, and to certify the same when required ; also, at any such meeting, to raise money to procure necessary utensils for their respective school-houses, to be certified as aforesaid, and assessed in manner as is herein after provided.

What estate to be taxed.

SECT. 2. *And be it further enacted*, That for the purposes aforesaid, every man shall be taxed in the district in which he lives, for all the estate he holds in the town, being under his

own

own actual improvement, and all other of his real estate in the same town, shall be taxed in the district in which it is included ; and lands, when the owner thereof lives without the town, shall be taxed in such district as the Assessors, having regard to the local situation thereof, shall appoint ; and it shall be the duty of the Assessors, before they assess a tax for any district, to determine in which district such lands respectively shall be taxed, and to certify, in writing, their determination to the Clerk of the town, who shall record the same ; and such land, while owned by any person residing without the limits of the town, shall be taxed in such districts until the town shall be districted anew : *Provided however*, That all the lands within any town, owned by the same person not living therein, shall be taxed in one and the same district. And the Assessors shall assess, in the same manner as town taxes are assessed, on the polls and estates of the inhabitants composing any School Districts, defined as aforesaid, and on lands in said town, belonging to persons living out of the same, which the Assessors shall have directed to be taxed in such district, all monies voted to be raised by the inhabitants of such district for the purposes aforesaid, in thirty days after the Clerk of the district shall certify to said Assessors the sum voted by the district to be raised as aforesaid. And it shall be the duty of said Assessors, to make a warrant, in due form of law, directed to one of the Collectors of the town to which such district belongs, requiring and empowering said Collector to levy and collect the tax so assessed, and to pay the same, within a time to be limited in said warrant, to the Treasurer of the town ; to whom a certificate of the assessment shall be made by the Assessors. And the money so collected and paid, shall be at disposal of the Committee of the District, to be by them applied for the building or repairing a School-house in the district to which they belong. And such Collector, in collecting such tax, shall have the same powers, and be holden to proceed in the same manner as is by law provided in collecting town taxes.

Proviso.

Assessors directed.

Assessors to make a warrant.

Collector empowered.

SECT. 3. *And be it further enacted*, That the Treasurer of any town, to whom a certificate of the assessment of a district tax shall be transmitted as aforesaid, shall have the same authority to enforce the collection and payment of the money so assessed and certified, as if the same had been voted to be raised by the town for the town's use. And the Treasurer and Collector shall be paid the same commissions on the money collected and paid for the use of a School District aforesaid, and the Assessors for assessing said tax, shall be allowed by the district, the same sum for each and every day while employed in assessing the same, as is allowed and paid by the town for similar services.

Town-Treasurers authorized.

Compensation.

District meetings.

SECT. 4. *And be it further enacted*, That it shall be the duty of the Selectmen of the several towns divided into School Districts as aforesaid, upon application made to them, in writing, by three or more Freeholders, resident within any School District in their respective towns, to issue their warrant directed to one of the persons making such application, requiring him to warn the inhabitants of such district, qualified to vote in town affairs, to meet at such time and place, in the same district; as the Selectmen shall in their warrant appoint. And the warning aforesaid, shall be by notifying personally every person in the district qualified to vote in town affairs, or by leaving at their usual places of abode, a notification, in writing, expressing therein the time, place and purpose of the meeting, seven days at least before the time appointed for holding the same. And any vote to raise money, for the purpose of erecting or repairing a School-house, passed by a majority of the inhabitants of a School District present at a district meeting, warned and held as aforesaid, shall be obligatory on the inhabitants of said School District, to be assessed, levied and collected in the manner prescribed by this Act.

Case of disagreement as to place for School-house.

SECT. 5. *And be it further enacted*, That if the inhabitants of any School District cannot agree where to erect a School-house, for the accommodation of the same, the Selectmen of the town to which such district belongs, upon application made to them by the Committee of the District, are hereby authorized and empowered to determine on the place where a School-house, for the use and accommodation of the district, shall be erected.

[This Act passed February 28, 1800.]

Jan. 16, 1800. An ACT in Addition to an Act, entitled, "An Act for the Preservation of the Fish called Salmon, Shad and Alewives, in the Rivers, Streams and Waters within the Counties of *Lincoln* and *Cumberland*, and for repealing all other Laws heretofore made for that Purpose, so far as respects their Operation in the said Counties."

[This Act passed March 1, 1800.]

March 1, 1799. An ACT to preserve and regulate the taking of the Fish called Alewives, at *Neguaisset-Falls* (so called) within the Town of *Woolwich*; and for repealing an Act, entitled, "An Act for regulating the Fishery in the Town of *Woolwich*, in the County of *Lincoln*."

[This Act passed March 1, 1800.]

An ACT to regulate the Inspection of Beef intended to be exported from this Commonwealth. Nov. 14, 1787.

SECT. 1. *BE* it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of September next, no person or persons whatsoever shall ship or export from this Commonwealth, any salted Beef, except in barrels or half barrels, of the quality and dimensions herein after provided, and the contents thereof are inspected and packed, and unless the casks containing the same are branded agreeably to the directions in this Act. No Beef to be exported, except as here directed.

SECT. 2. *Be it further enacted,* That there shall be an Inspector-General of Beef, for this Commonwealth, who shall be well skilled in the knowledge of the same, to be appointed by the Governor, with the advice and consent of the Council, and to be by them removable at pleasure, who, before he shall enter on the duties of his office, shall give bonds, with sufficient sureties, to the Treasurer of this Commonwealth, in the penal sum of *Four Thousand Dollars*, for the faithful discharge of his duty; and shall also be sworn faithfully to perform the same. And such Inspector shall have power, when so qualified, to appoint, and shall appoint Deputy-Inspectors, who shall be removable by him at pleasure, in every seaport town in this Commonwealth where Beef is exported, and at such other places as he shall judge necessary, for whom he shall be answerable, and shall take bonds from them to himself and successor in office, with sufficient sureties, in a penal sum not exceeding *Three Hundred Dollars*; and the said Deputy-Inspectors shall also be sworn for the faithful discharge of their duty. Inspector-General to be appointed.

To be sworn.
May appoint Deputies.

SECT. 3. *And be it further enacted,* That it shall be the duty of every Deputy so appointed, to make a return to the Inspector-General, once in every six months, of the number of barrels and half barrels of Beef inspected by them, agreeably to the directions of this Act; and it shall be the duty of the Inspector-General, in the month of *June* annually, to make a return to the Governor and Council of the whole number of barrels and half barrels of Beef inspected, according to the directions of this Act, by him or his deputies the year preceding, designating, in the return, the different sorts of Beef, and the places at which it was inspected. Return to be made of Beef inspected.

SECT. 4. *Be it further enacted,* That no Beef which shall be killed after the first day of *September* next, shall be packed or repacked in barrels or half barrels, for exportation, unless it be of fat cattle not under three years old; that all such Beef shall be cut into pieces, as nearly square as may be, and which in size shall not exceed eight pounds weight, nor be less than four pounds weight. That all Beef which the Inspector or Deputy-Inspector shall find, on examination, to have been killed Kind of Beef,

and size of pieces.

ed at a proper age, to be fat, and otherwise good and merchantable, shall be sorted and divided by him into four different sorts, for packing or repacking, into barrels or half barrels, to be denominated *Mefs*, *Cargo No. 1*, *Cargo No. 2*, and *Refuse*.

To be branded.

Mefs Beef.

Mefs Beef shall consist of the choice pieces of Oxen or Steers, well fattened, and weighing six hundred pounds and upwards; the shin, shoulder, clod and neck, shall be taken from the fore quarters, and the legs and leg-rand from the hind quarters; and each barrel and half barrel, containing Beef of this description, shall be branded on one of the heads with the words *Mefs Beef*.

Cargo No. 1.

Cargo No. 1, shall consist of choice pieces of Oxen, Steers, Cows and Heifers, not under four hundred pounds weight, and to average five hundred and twenty pounds weight, without any necks or shanks. On one head of each barrel or half barrel, containing Beef of this description, shall be branded *Cargo No. 1*.

Cargo No. 2.

Cargo No. 2, shall consist of fat cattle of all descriptions not before mentioned, of three years old and upwards (Bulls excepted) with not more than half a neck, and three shanks, and without any hocks; each barrel and half barrel of which shall be branded *Cargo No. 2*.

Refuse.

All other parts of cattle that are not above described, which shall be packed or repacked for exportation (including Bulls) shall be branded on one head, *Refuse*.

Salting.

And every barrel of Beef shall be well salted with seventy-five pounds of clean *Saint Ubes*, *Isle of May*, *Lisbon*, or *Turks-Island* salt, or eighty pounds of coarse *Liverpool* salt, or other salt of equal quality, exclusive of a pickle made of fresh water as strong as salt will make it; and to each barrel of Beef of the three first sorts, shall be added four ounces of salt-petre; and each half barrel of Beef shall be salted with one half the quantity of salt above mentioned, and two ounces of salt-petre.

Description
of barrels.

SECT. 5. *Be it further enacted*, That from and after the first day of *September* next, every barrel and half barrel, in which Beef shall be packed or repacked for exportation, shall be made of good seasoned white-oak or white-ash staves and heading, free from any defect, each barrel shall contain two hundred pounds weight of Beef, and each half barrel one hundred pounds weight of Beef; the barrels to measure sixteen inches and a half between the chimes, and to be twenty-eight inches long, to be covered three fourths of the length with good oak, ash or walnut hoops, leaving one fourth in the centre; the heads made of a proper thickness, the hoops to be well set and drove together; the half barrels to contain not less than fifteen gallons, to be hooped in the same manner as the whole barrels.

Inspector's
name, &c.
to be branded.

SECT. 6. *Be it further enacted*, That every barrel and half barrel, in which Beef is packed or repacked for exportation, shall be branded with the first letter of the christian name and the surname at length of the Inspector who has inspected the same,

same, with the name of the town where it was inspected, in legible letters, with the addition of MASS. (for Massachusetts.) And every barrel and half barrel of Beef, of the three first sorts, shall also be branded with the name of the person for whom the Beef is packed.

SECT. 7. *Be it further enacted*, That no Deputy, appointed by virtue of this Act, shall inspect or brand any cask of Beef out of the town or county for which he shall be appointed, under the penalty of *Fifty Dollars*; and if any person other than the said Inspector or his deputy, shall presume to stamp or brand any cask of Beef, in the manner directed by this Act, every person so offending, shall forfeit the sum of *Twenty Dollars* for each and every cask so unlawfully branded.

Inspectors to brand in their own town only.

SECT. 8. *Be it further enacted*, That the Inspector-General or his deputy, appointed by virtue of this Act, shall be paid for every barrel of Beef he may inspect and brand, the sum of *Ten Cents*; and for every half barrel of Beef so inspected, the sum of *Five Cents*, exclusive of cooperage; the charge of inspection to be paid by the shipper; and the Inspector-General shall be entitled to receive from any deputy he may appoint, *Two Cents*, and no more, for each barrel of Beef, and *One Cent* for each half barrel said deputy may inspect and brand, according to the directions of this Act.

Fees for inspecting.

SECT. 9. *Be it further enacted*, That if any Inspector or Deputy-Inspector, appointed by virtue of this Act, shall be guilty of any neglect or fraud in inspecting any Beef contrary to the true intent and meaning of this Act, or shall mark with their respective brands, any cask containing Beef which has not been actually inspected, he or they shall forfeit and pay *Ten Dollars* for each and every cask so falsely marked.

Penalty for fraud in inspectors.

SECT. 10. *Be it further enacted*, That if any person shall intermix, take out or shift any Beef, out of any cask inspected or branded as by this Act is required, or put in any other Beef, for sale or exportation, contrary to the intention of this Act, the person or persons so offending shall, for each and every offence, forfeit and pay the sum of *Twenty Dollars*.

----- for shifting Beef.

SECT. 11. *Be it further enacted*, That no salted Beef shall be exported out of this Commonwealth, unless the master or owner of the vessel produces to the Collector, or any other officer authorized by the laws of the United States to clear vessels out, a certificate from the Inspector-General or his deputy, that the same has been inspected and branded according to the directions in this Act, and each certificate shall express the number of barrels and half barrels of Beef, of each sort. And the master or owner of every vessel in which Beef is so exported, on producing said certificate, shall take and subscribe the following oath before the officer authorized as aforesaid.

No Beef to be cleared out, unless a certificate of inspection is produced.

Masters or owners of vessels to take an oath.

Form of the
oath.

"I, A. B. of the do swear, that according to the best
of my knowledge and belief, the certificate hereunto annex-
ed, contains the whole quantity of salted Beef on board
the Master, and that no salted Beef is shipped
on board said vessel for the ship's company, on freight, or
on cargo, but what is inspected and branded according to
the law of this Commonwealth. *So help me GOD."*

Fee for certifi-
cate.

SECT. 12. *Be it further enacted*, That for each and every
certificate given by the Inspector or Deputy-Inspector, for
Beef exported, he shall receive *Ten Cents*, to be paid by the
shipper, and they are hereby severally directed to give such
certificate, whenever requested.

Recovery of
forfeitures.

Appropriation.

SECT. 13. *Be it further enacted*, That all penalties and
forfeitures arising by force and virtue of this Act, shall be re-
covered by action of debt or information, in any Court proper
to try the same; one moiety thereof to the use of the town
wherein the offence shall be committed, and the other moiety
to him or them who shall inform or sue for the same.

Rounds of Beef
may be export-
ed as usual, in
kegs or tubs:
with a proviso.

SECT. 14. *Be it further enacted*, That nothing in this Act
shall prevent the exportation of rounds of Beef in kegs or tubs,
as is now practised: *Provided however*, That the name of the
owner, and the town where he resides, shall be branded on one
head of each keg or tub, under the penalty of *One Dollar* for
each keg or tub not branded.

Former laws
repealed.

Proviso.

SECT. 15. *Be it further enacted*, That all former laws, so
far as they respect the inspection of Beef, be and hereby are
repealed. *Provided nevertheless*, That they shall be considered
as in full force, with regard to all actions and prosecutions
which may be depending for any penalty or forfeiture incur-
red for the breach of the same.

Penalty for
exporting Beef
contrary to this
Act.

Justices of the
Peace directed
to seize Beef.

SECT. 16. *And be it further enacted*, That if any person or
persons shall export or ship for exportation, out of this Com-
monwealth, any salted Beef not inspected and branded as by
this Act is directed, every such exporter or shipper, and the
master of every vessel having on board such uninspected Beef,
shall, on conviction, respectively forfeit and pay the sums fol-
lowing: The owner or exporter shall forfeit and pay the sum
of *Six Dollars*, and the master of every vessel having the same
on board the sum of *Two Dollars*, for every cask exported or
shipped for exportation. And it shall be lawful for any Justice
of the Peace, upon any information given of any Beef being
put on board any vessel as aforesaid, not inspected and branded
as required by this Act, to issue his warrant directed to the
Sheriff or his deputy, or to a Constable, requiring them re-
spectively, to make seizure of any such salted Beef not marked
and branded as aforesaid, and to secure the same in order for
trial; and said officers are hereby respectively required and
empowered to execute the same. And it shall be the duty of
every person, when required, to give the necessary aid for that
purpose,

All persons to
give aid, under

purpose, on pain of forfeiting *Five Dollars* for his refusal. *Provided always*, That nothing in this Act contained shall be construed to affect the exportation of any Beef that shall be duly inspected before the said first day of *September*, agreeable to the laws now in force.

Penalty.
Proviso.

[This Act passed *March 4*, 1800.]

An ACT to render valid the Doings of the Deputy-Sheriffs within and for the County of *Hancock*.

WHEREAS divers Writs and Precepts have been served and executed by some of the Deputy-Sheriffs, within and for the said county of *Hancock*, since the resignation of *RICHARD HUNNEWELL*, Esq. late Sheriff of said county, and before the appointment of his successor in office :

Preamble.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all Writs and Precepts served and executed by any Deputy-Sheriff under the said *HUNNEWELL*, within and for said county, from and after the resignation of the said *HUNNEWELL*, and before the first day of *January*, *Anno Domini* one thousand and eight hundred, shall be considered as duly and legally served and executed ; and the same are hereby rendered legal and valid, in every respect, so far as relates to the service or execution of said Writs or Precepts. *Provided*, The same have been legally and duly executed in every other respect but what relates to the resignation of the said *HUNNEWELL*.

The doings of Deputysheriffs, under *Richard Hunnewell*, esq. rendered valid, till before *January 1*, 1800.

Proviso.

[This Act passed *March 4*, 1800.]

An ACT in Addition to, and for altering an Act, entitled, “ An Act for establishing a Corporation by the Name of *The Sixth Massachusetts Turnpike Corporation*.”

June 22, 1799.

[This Act passed *March 4*, 1800.]

An ACT in Addition to an Act, entitled, “ An Act for incorporating certain Persons for the Purpose of building a Bridge over *Eastern-River*, near *Lithgow's-Mills*, in the Town of *Dresden*.”

March 8, 1797.

[This Act passed *March 4*, 1800.]

An

June 22, 1793,
Feb. 24, 1796.

An ACT in Addition to an Act, entitled, "An Act for regulating and governing the Militia of the Commonwealth of *Massachusetts*, and for repealing all Laws heretofore made for that Purpose, excepting an Act, entitled, "An Act for establishing Rules and Articles for governing the Troops stationed in Forts and Garrisons within this Commonwealth, and also the Militia when called into actual Service."

Exemptions.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this Act, in addition to the persons hereafter named, who are exempted by a law of the United States from military duty, *viz.* The Vice-President of the United States, the Officers, judicial and executive, of the Government of the United States; the Members of both Houses of Congress, and their respective Officers; all Custom-House Officers, with their Clerks; all Post-Officers and Stage-Drivers who are employed in the care and conveyance of the Mail of the Post-Office of the United States; all Ferry-men employed at any ferry on the Post-Road; all Inspectors of Exports; all Pilots; all Mariners actually in the sea-service of any citizen or merchant within the United States. The following persons shall also be exempted from military duty, *viz.* The Lieutenant-Governor; Members of Council; Judges of the Supreme Judicial Court, with their Clerks; the Secretary and Treasurer, with their Clerks; Officers and Students of any College actually resident there; Judges of the Court of Common Pleas, with their Clerks; Judges of Probate; Registers of Probate; Registers of Deeds; those who have received a commission to keep the peace, and are qualified to act in that office; Ministers of the Gospel; Members of the Legislature of this Commonwealth, with their Officers, when the same is in session; Sheriffs; those of the religious denomination called Quakers and Shakers; such Enginemen as are exempted from military duty by virtue of any law of this Commonwealth; and all persons who have heretofore held a commission in the Army or Militia, and are now out of office; and all persons who now do, or hereafter may hold commissions in the Militia, and shall complete the term of five years service therein, or be superseded.

Non-commissioned Officers and Privates, to warn meeting for choice of Officers.

SECT. 2. *Be it further enacted,* That when any non-commissioned Officer or Private, in any company, shall receive orders from the Captain or Commanding Officer of such company, to notify and warn such company, or any part thereof, to meet for the purpose of choosing an Officer or Officers, it shall be the duty of such non-commissioned Officer or Private, to give every person whom he is so ordered to warn, personal notice,

notice, or leave him a written or printed notification at his last and usual place of abode, specifying the time, place, and purpose of said meeting: And if any such non-commissioned Officer or Private shall neglect to warn such meeting, in manner aforesaid, or shall neglect to warn any meeting of such company for common and ordinary trainings, agreeably to the orders he shall have received from the Captain or Commanding Officer of such company, he shall forfeit and pay the sum of *Twelve Dollars*, be reduced to the ranks, and incapable of holding any office in the Militia for the term of two years.

SECT. 3. *Be it further enacted*, That every person who shall hereafter enlist into any volunteer corps (whether such person be exempt by this Act from doing militia duty or not) shall be holden to do duty therein for the term of seven years, unless such person be sooner discharged by order of the Brigadier-General or Commanding Officer of the brigade to which such volunteer corps belongs; and any person who shall so enlist into any volunteer corps, and shall afterwards neglect to do duty therein, shall incur the same penalties as are affixed to like offences committed by non-commissioned Officers and Privates in the standing militia companies.

Persons enlisting in volunteer corps, to do duty for 7 years.

SECT. 4. *Be it further enacted*, That if any Clerk of a company, or Serjeant acting in the capacity of a Clerk, shall neglect or refuse to do and perform any duty enjoined upon him by law, he shall, for every such neglect, forfeit and pay the sum of *Twelve Dollars*, to be recovered before some Justice of the Peace in the county where such offender lives, in an action of the case, to be brought by the Captain of such company or the Adjutant of the regiment to which such company belongs, to the use of such Captain or Adjutant who shall first sue for the same.

Clerk to be fined for neglecting duty.

SECT. 5. *Be it further enacted*, That when any company shall be paraded, the Captain or Commanding Officer of such company is hereby authorized and empowered, verbally to warn the persons so paraded, to appear at some future day, not exceeding forty days, and such warning shall be deemed to be legal, as it respects all the persons present.

On parade, Captains may order a future meeting.

SECT. 6. *Be it further enacted*, That no person shall be deemed or taken to be a Quaker or Shaker, within the meaning of this Act, unless he shall annually, in the month of *April*, deliver to the Captain or Clerk of the company wherein he resides, a certificate signed by two of the Overseers, and countersigned by the Clerk of the meeting or society with which he meets for worship, in substance as follows, *viz.*

No person to be exempted as a Quaker or Shaker, unless they exhibit a certificate.

WE, the Subscribers, Overseers of the Meeting or Society of
in the Town of in the County of

Form of the certificate.

do hereby certify, that frequently and
usually attends with said Society for public Worship, and
we believe is conscientiously scrupulous of bearing arms.

Which certificate, so signed and delivered as aforesaid, shall exempt the person therein named, from doing military duty for the term of one year, unless the same be invalidated by sufficient evidence.

Recovery of
fines under
Dols. 13 33 Chs.

SECT. 7. *Be it further enacted*, That where by this Act, or the Act to which this is an addition, any non-commissioned Officer or Private shall forfeit any sum of money, of the amount of *Thirteen Dollars and Thirty-Three Cents*, or under the same, shall be recovered in manner prescribed by the twenty-third section of the Act to which this is in addition ; in which action or prosecution, it shall be lawful for such Clerk, in any stage of the proceedings, before the rendition of final judgment, to amend his declaration or complaint, without paying costs to the adverse party. And the Clerk shall not be liable to pay the defendant cost, where he produces a certificate signed by a majority of the commissioned Officers of the company directing him to institute the suit. And any Officer or Soldier belonging to any company, except the Clerk, shall be considered as a competent witness in any action or prosecution brought by the Clerk of such company, for the recovery of a fine, notwithstanding that a part of such fine may enure to the benefit of such company.

Clerk to be
exempt from
costs, in certain
case.

Election of
Officers.

SECT. 8. *Be it further enacted*, That no election of a commissioned Officer in future shall be valid, unless a majority of the legal voters of the company are present at the meeting called for that purpose.

Persons dis-
tributing or-
ders, to be
paid.

SECT. 9. *Be it further enacted*, That each Major-General within this Commonwealth is authorized and empowered to appoint some suitable person to distribute his orders, and the persons so appointed shall lay their accounts before the Committee on Accounts for allowance.

Pay allowed
to Captains
for horses to
drag artillery.

SECT. 10. *Be it further enacted*, That the Captain or Commanding Officer of a company of artillery shall lay his accounts, for money actually expended in providing horses to drag the field-pieces and tumbrels of their respective companies, before the Committee on Accounts, for allowance : *Provided*, No allowance shall be made unless said company is ordered to appear in battalion or regimental muster, or to march out of the town to which they belong, by their superior Officer.

Proviso.

Selectmen to
furnish pow-
der.

SECT. 11. *Be it further enacted*, That the Selectmen of the several towns and districts, and the Assessors of unincorporated plantations in this Commonwealth shall furnish, at the expense of the several towns, districts and plantations, to the Commanding Officer of each company, for the use of each private Soldier, with one quarter of a pound of powder, when ordered out on duty ; for a division, brigade or regimental muster, the number to be ascertained by a roll certified by the Commanding Officer of the company to which they belong. And it shall be the duty of each private Soldier, to use and

consume

consume such powder according to the directions of the Commanding Officer of such company.

SECT. 12. *Be it further enacted*, That from and after the passing of this Act, no non-commissioned Officer or private Soldier belonging to any company of Militia in this Commonwealth, shall be exempted from military duty on account of bodily infirmity, unless he shall obtain a certificate from the Surgeon or Surgeon's-Mate of the regiment to which he belongs, if either of those Officers are appointed in said regiment: if not, from a reputable Surgeon or Physician living within the limits of the same, that he is unable to do military duty by reason of bodily infirmity; the cause of which is to be described in said certificate, and the Officer commanding said company, may, upon the back of said certificate, discharge the person named therein from doing military duty in said company, for such term of time as he shall judge reasonable; which certificate, if approved and countersigned by the Officer commanding the regiment, battalion or squadron to which said disabled person belongs, shall entitle him to a full exemption from military duty for the term therein specified.

Persons to be exempted from duty for bodily infirmity, by producing the Surgeon's certificate.

SECT. 13. *Be it further enacted*, That in each squadron of cavalry within this Commonwealth, there shall be one Adjutant and one Quarter-Master, to be appointed and commissioned in the same manner as such Officers are appointed and commissioned in battalions of cavalry.

Adjutant and Quart. Master of cavalry.

SECT. 14. *Be it further enacted*, That each Brigadier-General or Commanding Officer of brigade of the Militia of this Commonwealth, is authorized, by voluntary enlistment, to raise and organize a band of music in each brigade, and when so raised, to issue warrants to them accordingly.

Band of music allowed to a brigade.

SECT. 15. *Be it further enacted*, That no Officer or Soldier of the Militia shall be holden to do any military duty on any day (except on days which are or may be specially prescribed by law) on which the Selectmen or Assessors of any town or district shall appoint a meeting for the election of a Representative to the General Court, or on the day pointed out by the Constitution for the election of Governor, Lieutenant-Governor and Senators of this Commonwealth, or on any day which is or may be appointed for the choice of electors of President and Vice-President of the United States, or Representatives to Congress. And it shall not be lawful for any such Officer to exercise any military command on either of said days, unless in case of sudden invasion made or threatened, or in obedience to the orders of the Commander in Chief, except as is herein before excepted; and every Officer offending herein, shall, for each offence, forfeit and pay a sum not less than *Ten*, nor more than *Three Hundred Dollars*.

Militia not to be paraded on certain days of election.

SECT. 16. *Be it further enacted*, That from and after passing this Act, no appeal shall be allowed to either party from the

No appeal from the judgment of a Justice.

the judgment of a Justice of the Peace, upon any action brought by any Clerk of a company of infantry, artillery or cavalry within this Commonwealth, for the recovery of any fine supposed to be incurred for the breach of any part of this Act, or of the Act to which this is in addition.

Cafe of a company's being without commissioned Officers.

SECT. 17. *Be it further enacted*, That whenever any company of Militia shall be destitute of all commissioned Officers, it shall be the duty of the Commanding Officer of the regiment or battalion, and if there be no such Officer, then of the Commanding Officer of the brigade to which such company may belong, forthwith to issue his warrant to some one or more individuals of such company, or persons liable to do duty therein, commanding him or them to notify and warn all the persons liable to do duty in such company, to assemble at some suitable time and place, to be named in such warrant, for the purpose of choosing Officers; which warning it shall be the duty of the said person or persons to whom such warrant may be delivered, to give ten days at least before the time assigned for assembling such company. And it shall be the duty of such Commanding Officer of a battalion, regiment or brigade, to appoint some suitable Officer to preside at such election, receive the votes of such company, and certify the choice to the Commander in Chief.

Privates of a company neglecting to choose Officers, to be distributed into other companies.

SECT. 18. *Be it further enacted*, That when any company of Militia shall be destitute of all commissioned Officers for the space of six months, having been legally notified to choose their Officers as aforesaid, then it shall be the duty of the Commander in Chief to issue his orders to the Selectmen of the town to which the said destitute company shall belong, requiring them to return him an exact roll of all the men belonging to the said destitute company, liable by law to be borne on said roll, within twenty days from the receiving such order; and also to revise the said roll as the law directs, from time to time, when thereby required by the order of the Commander in Chief, within twenty days from receiving such order; and it shall be the duty of the Commander in Chief immediately to distribute and assign the men borne on the said roll, to and among the several companies that are organized, as he shall think best, within the division where they reside.

Liable to fines, &c.

SECT. 19. *Be it further enacted*, That the men so distributed, shall be under the command of the Commanding Officer of such company to which they shall be so distributed or assigned, and shall do duty under such Commanding Officer, and be liable to all the fines and penalties for disobedience of his orders, or for non-appearance, or for neglecting to equip themselves, as in other cases.

Captains directed respecting such Privates.

SECT. 20. *Be it further enacted*, That it shall be the duty of the Captain or Commanding Officer of the company to which such men shall be distributed and assigned as aforesaid, immediately

immediately to enrol them with his company, and to call them out, for the purpose of examining their arms and equipments, and instructing them in military exercises, as often as he is by law enjoined to inspect and instruct his own company, and to parade them with his own company or otherwise, as he shall think best, or be directed by his superior Officers.

SECT. 21. *And be it further enacted,* That the Captain or Commanding Officer of companies to which such men may be distributed and assigned as aforesaid, shall have full power to issue his orders to any one or more of the men that may be distributed or assigned to his company as aforesaid, or to any non-commissioned Officer or Private, of his own company, requiring them to warn such men as may be so distributed and assigned to his company, by the order of the Commander in Chief as aforesaid, to meet armed and equipped as the law directs, at such time and place as the Commanding Officer of said company shall appoint, for the purpose of examining their arms and equipments, and instructing them in military exercises; and the testimony of any person so appointed by the Captain or Commanding Officer of companies as aforesaid, under oath, to warn and notify the men assigned as aforesaid, or part thereof, to appear at the time and place appointed for any muster, view of arms, or other military duty, shall be sufficient to prove due warning was given to the party against whom complaint may be made for non-appearance.

How persons, so distributed, are to be warned to do duty.

Testimony of the person warning, made sufficient.

SECT. 22. *Be it further enacted,* That if any Selectmen of any town where any Militia company shall be destitute of Officers as aforesaid, shall neglect or refuse to return an exact roll of the men as aforesaid, within the time aforesaid, to the Commander in Chief as aforesaid, and also to revise the roll as aforesaid, they shall pay a fine of *Fifty Dollars* each, for every twenty days they shall so neglect to return the roll as aforesaid, to be sued for and recovered by the Brigade-Inspector; and in case of a vacancy of this officer, by the Adjutant-General; one moiety thereof to the use of the officer who shall prosecute for the same, and the other moiety to the Commonwealth.

Penalty for Selectmen's neglecting to return roll.

SECT. 23. *Be it further enacted,* That every non-commissioned Officer or other person, who shall neglect or refuse to give any warning required by this Act, when ordered thereto by the Commanding Officer of any company as aforesaid, by his warrant under his hand; or when commanded to do and perform the duty prescribed in the eighteenth section of this Act, shall, for every such offence, forfeit and pay a fine of *Twenty Dollars*; one moiety thereof to the Clerk of the company who shall prosecute for the same, the other moiety to the Commanding Officer of said company, in trust for the use of said company. And when there shall not be any Clerk in such company, then it shall be the duty of the Brigade-Inspector; or in case of a vacancy in that office, then of the Adjutant-General,

----- for non-commissioned Officers and others neglecting to warn a meeting, when ordered.

Adjutant-General, to prosecute for said fine; in which case, one half thereof shall be to the use of the officer who shall prosecute for the same, and the other half to the Commonwealth.

Selectmen authorized to call a meeting for choosing Officers, in certain case.

SECT. 24. *And be it further enacted*, That whenever a majority of any company destitute of Officers as aforesaid, shall signify their desire, in writing, to the Selectmen of the town where such destitute company may be, of meeting and choosing Officers in their own company, such Selectmen shall immediately notify and warn a meeting for that purpose, by posting up notifications thereof in two public places at least, within the limits of said company, ten days at least before the time appointed for such meeting; and said Selectmen shall preside at such meeting, and shall receive, count and sort the votes that may be given in for the Officers, and shall make return thereof to the Commander in Chief, who shall commission them accordingly; and when so commissioned and qualified as the law directs, they shall be the proper Officers of said company; and the Commanding Officers of companies to which they have been distributed and assigned as aforesaid, shall cease to continue them on their rolls, or call upon them for any further duty.

Part of a former law repealed.

SECT. 25. *And be it further enacted*, That the third section in the Act to which this is an addition; also an Act passed on the twenty-fourth day of February, *Anno Domini* seventeen hundred and ninety-six; and the Resolve passed *March* the seventh, one thousand seven hundred and ninety-seven, making provision for Major-Generals issuing their orders, and providing payment for horses to drag field-pieces, be and they are hereby repealed, except so far as respects the recovery of any fines or forfeitures already incurred thereby.

Recovery of fines.

SECT. 26. *And be it further enacted*, That the several fines and forfeitures, the mode of recovery of which is not herein before specially prescribed, shall and may be recovered in an action of the case, in the name of the person authorized to sue for the same, and shall be brought before any Court proper to try the same within the county where the offender resides.

[This Act passed *March* 4, 1800.]

Feb. 25, 1794.

An ACT in Addition to an Act, entitled, "An Act for incorporating certain Persons for the Purpose of building a Bridge over *Fore-River*, between *Portland* and *Cape-Elizabeth*, and for supporting the same."

[This Act passed *March* 4, 1800.]

An

An ACT in Addition to an Act, entitled, "An Act June 7, 1785.
to prevent common Nuisances."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That when any house, assigned for the exercising of either of the trades or employments mentioned in the Act aforesaid, becomes a nuisance, by reason of offensive and ill stench proceeding from the same, or becomes otherwise hurtful or dangerous to the neighbourhood or travellers; it shall be lawful for any person or persons who may be aggrieved thereby, to give notice thereof to the proprietor or occupant of such house so deemed to be a nuisance; and if the proprietor or occupant shall not forthwith remove the same nuisance, and if upon trial as herein after provided, the same shall be considered and deemed a nuisance; the owner, proprietor or occupant of such house shall forfeit and pay the sum of *Twenty Dollars*, for each and every month which the said nuisance shall continue, after such notice as aforesaid, to be recovered by action of the case, by any person who shall first sue for the same; and in such action it shall be lawful for the defendant to tender the general issue, and give any special matter in evidence: And if upon such trial it shall appear to the Jury who shall try the same cause, that the said house so complained of is not a nuisance; it shall be their duty to acquit the defendant, and he shall be entitled to his costs.

Provision in case certain houses become nuisances.

Penalty for owner, proprietor, or occupant neglecting to remove said nuisance.

SECT. 2. *Be it further enacted,* That any person or persons who may be injured by any such nuisance, either in his comfort or the enjoyment of his estate, may have and maintain his special action on the case, for the injury and damage which he or they may sustain by reason of such nuisance; in which action it shall and may be lawful for the defendant to plead the general issue, and give any special matter in evidence.

Persons injured, may prosecute for indemnity.

[This Act passed March 4, 1800.]

An ACT for regulating the Alewife Fishery in the *Gulf-Stream* (so called) that runs between the Towns of *Scituate*, in the County of *Plymouth*, and *Cohasset*, in the County of *Norfolk*.

[This Act passed March 4, 1800.]

An ACT in Addition to an Act, entitled, "An Act Mar. 27, 1793.
for the Incorporation of the Trustees of the *Charlestown* Free Schools."

[This Act passed March 4, 1800.]

Feb. 27, 1796.

An ACT in Addition to an Act, entitled, "An Act for the Support and Regulation of Mills."

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the*

Cafe of tender by the owner or occupant of a mill-dam.

same, That the owner or occupant of any Mill-Dam may tender to the owner or occupant of such lands as may be flowed by the erection of such Mill-Dam, any sum of money instead of the yearly damages he may be entitled to receive from the owner or occupant of such Mill-Dam, by virtue of the Act to which this is in addition, within one month after the past year's damages shall have become due. And if the owner or occupant of such lands shall not accept the same, but shall present a new complaint to obtain an increase of said damages, he shall not be entitled to costs thereon, unless he shall obtain an increase of the sum so tendered; any thing in said law to the contrary notwithstanding.

Owner or occupant not accepting the same.

Cafe of tender by the owner or occupant of lands overflowed.

SECT. 2. *Be it further enacted,* That the owner or occupant of lands so flowed, may also offer the owner or occupant of such Mill-Dam, to receive of him any proportion of the sum established as his yearly damages, by reason of the said flowing, within one month after the past year's damages shall have become due. And if the owner or occupant of such Mill-Dam shall not agree to the same, but shall present a complaint to obtain a decrease of said damages, he shall not be entitled to costs thereon, unless he shall obtain a sum to be by him paid, as damages, less than the sum which the owner or occupant of such lands offered to receive of him.

Owner or occupant not accepting the same.

Time of complaining.

SECT. 3. *Be it further enacted,* That no complaint shall be presented for an increase or decrease of said yearly damages, until the expiration of one month after the same shall have become due.

[This Act passed March 4, 1800.]

An ACT to incorporate certain Proprietors of Fresh Pond Meadows, in the Town of Cambridge, in the County of Middlesex, for the Purpose of draining said Meadows.

[This Act passed March 4, 1800.]

An ACT to incorporate Ebenezer Beckford, and others, for the Purpose of establishing an Iron Manufactory, and other Purposes therein mentioned.

[This Act passed March 4, 1800.]

An ACT to establish a Municipal Court in the Town of Boston.

WHEREAS, from the peculiar situation and circumstances of the town of *Boston*, as a metropolis and great sea-port, the usual mode of enforcing the laws, and administering justice, in criminal cases, is attended with great delays, and burthenfome expences :

Preamble.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That there shall be holden, within and for the town of *Boston*, on the first Monday of every month, by such learned, able and discreet person as the Governor shall appoint and commission, pursuant to the Constitution, a Court of Justice, by the name of *The Municipal Court for the Town of Boston* : That the same Court shall have power to adjourn from day to day, and shall have cognizance of all crimes and offences committed within the town of *Boston*, which are now cognizable in the Court of General Sessions of the Peace ; and cognizance of all crimes and offences against the by-laws of the said town ; of frauds, deceits, monopolies, forestalling, regrating, thefts and nuisances. And the said Court shall have power to impose and administer all oaths necessary to the legal conviction and punishment of offenders ; and to punish, at the reasonable discretion of the Court, and in like manner as other Courts may lawfully do, all contempts committed against the authority of the same. And the same Court shall have power to appoint and remove its own Clerks ; who, when appointed, shall take such oaths as are by law provided to be taken by the Clerks of other Courts. And if it shall so happen that the Judge of said Court shall be unable to attend, from sickness or any other cause, on any day upon which said Court shall be by law to be held, or to which said Court shall stand adjourned, it shall and may be lawful for the Clerk of said Court to adjourn the same to the next stated term, by proclamation.

Municipal Court to be held monthly.

Power of the Court.

Clerk authorized to adjourn in certain case.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the Grand-Jurors, annually chosen for the town of *Boston*, to serve in the Court of General Sessions of the Peace, shall be increased to fifteen within said town, and shall be summoned to attend said Municipal Court, with all the powers and authority vested in Grand-Jurors by the Constitution and Laws of this Commonwealth, and within the jurisdiction of said Municipal Court ; and that the Petit-Jurors who shall hereafter be appointed in the town of *Boston*, and returned to serve in the Court of General Sessions of the Peace, shall not be less than fifteen in number, whose duty it shall be to attend the said Municipal Court, and to serve in all cases where by law trial by Jury is required, and until another Petit-Jury

Number of Grand-Jurors increased.

Number of Petit-Jurors.

Their duty.

Grand and Petit-Jurors' pay.

is appointed for the Court of Sessions; and the said Petit-Jurors shall be summoned accordingly. And the said Grand-Jurors and Petit-Jurors shall receive, for their services in said Municipal Court, the like compensation, and in like manner as they by law are entitled to at the Court of Sessions.

Compensation for the Judge.

Court Fees.

Precepts to be directed to the Sheriff of Suffolk county, &c. Prisoners to be confined in Suffolk gaol.

SECT. 3. *And be it further enacted*, That the Judge of said Municipal Court shall receive, in full compensation for the discharge of the duties of his office, a stated annual salary, which shall be paid by said town of *Boston*, and which shall be voted and established at any meeting of the inhabitants legally assembled for that purpose, and which shall not be diminished during his continuance in office. And all fees taxed in said Court for the Clerk, Witnesses and Officers thereof, and for all processes issuing from said Court, and other Court charges, shall be the same as by law are allowed in the Court of General Sessions of the Peace, in similar cases. And the Precepts of the said Municipal Court shall be directed to and served by the Sheriff of the county of *Suffolk*, by his deputies residing within the town of *Boston*, and by the Constables thereof respectively. And all prisoners who shall be arrested and ordered to be committed, by any sentence or judgment of said Municipal Court, or who shall be ordered to be committed, either by the Judge of said Court, or by any Justice of the Peace, upon any complaint, to take trial at the said Court; shall and may be committed to the gaol of the said county of *Suffolk*, and there held until discharged by order of said Court, or by order of the Supreme Judicial Court of this Commonwealth; and the keeper of the gaol for the said county of *Suffolk* is hereby directed and required to take the custody of the said prisoners accordingly.

Town Advocate.

Fees to be accounted for.

Proviso.

Costs of criminal prosecution.

SECT. 4. *And be it further enacted*, That the said town shall be allowed to choose annually some person learned in the law, to appear as an Advocate in the same Court, and to conduct the prosecutions therein; and the said town may allow him such compensation as to them shall appear reasonable; and the said Judge shall tax such fees for said Advocate, in the cases that shall be tried by said Court, as the Attorney-General for the Commonwealth, or the Attorney for the county is or shall be allowed in the Court of General Sessions of the Peace; the said fees, when received by the Advocate of said Court, shall be accounted for to the town of *Boston*. *Provided nevertheless*, That all criminal prosecutions in the said Court shall be under the management of the Attorney or Solicitor-General, when either of them shall be present, the appointment of such Advocate by the town notwithstanding.

SECT. 5. *Be it further enacted*, That all costs which may arise in any criminal prosecution in said Municipal Court, the Judge of said Court is hereby authorized and empowered to examine and tax, not exceeding, in any case, the fees stated by law;

law ; and such costs so taxed, shall be paid out of the treasury of the county of *Suffolk*. And the Clerk of said Municipal Court shall attest and deliver to the County-Treasurer copies of all bills of cost allowed by the Court, and certificates of all fines and forfeitures imposed and accruing to the county aforesaid, or to the Commonwealth, either before the rising of said Court, or as soon after as may be. And the Clerk of said Municipal Court, and all Sheriffs, Deputy-Sheriffs, Coroners and Constables, who may hereafter receive any fines, forfeitures, or bills of costs, in pursuance of the judgment or sentence of said Court, which shall accrue either to the county aforesaid, or the Commonwealth, shall forthwith pay the same to the Treasurer of said county ; and upon neglect thereof, for the space of ten days after such receipt, he shall forfeit and pay double the amount of such fine, forfeiture, or bill of cost, to such County-Treasurer, who is hereby empowered and directed to sue for the same, to be recovered, with costs, by action of debt, in the Court of Common Pleas in the same county ; one third of said penalty to the use of said Treasurer, and the other two thirds to the use of said county of *Suffolk*.

Clerk to deliver certain papers to County-Treasurer.

Penalty for withholding fines belonging to the Commonwealth.

Appropriation.

When to commence operation.

Appeal allowed.

SECT. 6. *And be it further enacted by the authority aforesaid*, That this Act shall take effect from and after the first day of *May* next, and the first Municipal Court shall be held on the first Monday of *June* next ensuing.

SECT. 7. *Be it further enacted*, That an appeal shall be had from all sentences and judgments of the said Municipal Court, to the Supreme Judicial Court, in the same manner that appeals are had from the Court of General Sessions of the Peace.

[This Act passed *March 4*, 1800.]

An ACT making further Provision in the Judicial Department.

July 3, 1782.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That from and after the first day of *September* next, the Supreme Judicial Court, established by the Act, entitled, "An Act establishing a Supreme Judicial Court within the Commonwealth," passed in the year of our Lord one thousand seven hundred and eighty-two, shall consist of one Chief Justice, and six other Justices, instead of four ; and that the two additional Justices shall have such qualifications as are required by the Act aforesaid, and may be appointed and commissioned as by the Constitution is provided, at any time after the first day of *July* next ; and that, at any time after that day, a Solicitor-General also may be in like manner appointed and commissioned, to do and perform similar duties with the Attorney-General. Any three or more of said Justices, to constitute a quorum for holding said Court and discharging all the duties thereof.

Additional number of Justices.

A quorum.

Circuits estab-
lished.

SECT. 2. *And be it further enacted*, That, in order to enable said Court to do and perform the increased business thereof, the Commonwealth (except the county of *Suffolk*) be and hereby is divided into two Circuits, to be called *The Eastern and Western Circuits*. The former to comprehend the county of *Essex*, and all the counties in the district of *Maine*; and the latter all the other counties in the Commonwealth, except the said county of *Suffolk*.

SECT. 3. *And be it further enacted*, That the times and places for holding said Court annually, from and after said first day of *September* next, shall be as follows, viz.

Times and
places for
holding the
Supreme Ju-
dicial Court.

At *Boston*, in the county of *Suffolk*, and for the counties of *Suffolk* and *Nantucket*, on the second Tuesday of *February*, and on the second Tuesday of *August*.

At *Concord*, within and for the county of *Middlesex*, on the second Tuesday of *April*; and at *Cambridge*, on the fourth Tuesday of *October*.

At *Worcester*, in and for the county of *Worcester*, on the fourth Tuesday of *April*, and on the first Tuesday of *September*.

At *Northampton*, in and for the county of *Hampshire*, on the second Tuesday next after the fourth Tuesday of *April*, and on the third Tuesday of *September*.

At *Lenox*, in and for the county of *Berkshire*, on the fourth Tuesday next after the fourth Tuesday of *April*, and on the second Tuesday next after the third Tuesday in *September*.

At *Dedham*, in and for the county of *Norfolk*, on the first Tuesday of *February*, and on the first Tuesday of *August*.

At *Plymouth*, within and for the county of *Plymouth*, on the second Tuesday of *June*.

At *Barnstable*, in and for the county of *Barnstable*, and for the counties of *Barnstable* and *Dukes'-County*, on the third Tuesday of *June*.

At *Taunton*, in and for the county of *Bristol*, on the third Tuesday of *October*.

At *Ipswich*, in and for the county of *Essex*, on the third Tuesday of *April*; and at *Salem*, on the second Tuesday of *November*.

At *York*, within and for the county of *York*, on the second Tuesday next after the third Tuesday of *April*: And,

At *Wells*, in and for said county, on the second Tuesday of *September*.

At *Portland*, in and for the county of *Cumberland*, on the fourth Tuesday next after the third Tuesday of *April*, and on the third Tuesday of *September*.

At *Augusta*, in and for the county of *Kennebeck*, on the sixth Tuesday next after the third Tuesday in *April*, and on the fourth Tuesday of *September*.

At *Pownallborough*, within and for the county of *Lincoln*, on the eighth Tuesday next after the third Tuesday of *April*,
and.

and on the first Tuesday next after the fourth Tuesday of *September*. And,

At *Castine*, in the county of *Hancock*, and for the counties of *Hancock* and *Washington*, on the tenth Tuesday next after the third Tuesday of *April*.

And the Tuesday of the month in which said Court is to be holden at the several times and place, may, in all judicial proceedings, from time to time, be expressed and designated by such Tuesday of the month as will be the real Tuesday on which the Court is to be holden, pursuant to the foregoing arrangements.

The Tuesday of meeting, to be designated, in judicial proceedings.

SECT. 4. *And be it further enacted*, That all writs, recognizances, warrants and complaints, and every other thing that should, after the first day of *September* next, be returned to, or entered at the Court aforesaid, at the times and places heretofore appointed; and all parties and persons that may be required or directed to appear or attend after the day aforesaid, at the aforesaid times and places; and all actions, suits and matters that may be pending in the same Court, at the day aforesaid, shall be returned to, entered, appear, and attend, have day, be tried and determined in the said Court, at the respective times and places established by this Act, pursuant to the true intent and meaning thereof.

Actions, &c. commenced, to be conformed to the new arrangement.

SECT. 5. *And be it further enacted*, That as said Court, by virtue of this Act, will often sit at or near the same times in different counties, the said Justices may, from time to time, make such arrangements as will be most convenient to themselves, and ensure a punctual attendance of a quorum of their number, as far as may be, at the several times and places at which the said Court is by this Act to be holden. And said Attorney and Solicitor-General shall make similar arrangements, as to their attendance.

Justices, &c. to regulate their attendance.

[This Act passed *March 4, 1800.*]

An ACT to empower Assessors, in certain Cases, to renew Warrants to Constables or Collectors.

Feb. 20, 1786.

WHEREAS the Warrants issued by Assessors to Constables or Collectors, for collecting taxes, may be lost or destroyed by accident:

Preamble.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, the Assessors, for the time being, of any town, district, parish, precinct, or other society by law empowered to raise money by taxes, whenever it shall be made to appear to them by any Constable or Collector of taxes in the town, or other such place or society as aforesaid, of which they are Assessors, that an original or other

New Warrant to be issued.

Warrant,

Warrant, issued and delivered to him for the collection of any certain tax committed to him, hath been lost or destroyed by accident, shall be and hereby are empowered to issue a new Warrant to such Constable or Collector for collecting the same, which shall have the same force and effect as the original Warrant.

[This Act passed *March 4, 1800.*]

*Nov. 8, 1785,
June 17, 1800.*

An ACT to ascertain the Quality of Butter, and for the more effectual Inspection of the same.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the*

No Butter to
be shipped un-
less inspected.

same, That no person or persons whatsoever, from and after the first day of *August* next, shall ship any Butter for exportation, before he shall first have submitted the same to the view and examination of the Inspector or his deputy, who shall be appointed as is herein after provided; who shall inspect and prove all Butter in casks, firkins or kegs that shall be intended to be laden on board any vessel for exportation. And every such Inspector or his deputy, shall examine the casks, kegs, or firkins containing the said commodity, intended to be exported as aforesaid, and with an hollow iron searcher shall, from one side of the head of said casks, kegs or firkins, perforate diagonally to the other head, and thereby draw out so much Butter as shall determine the quality of the whole; and see that it be preserved with a due proportion of good fine salt, sweet, and in all respects fit to be exported, without danger of spoiling, to any foreign market. And every cask, keg or firkin of Butter, which, according to the Inspector's best judgment, appears to be good and merchantable as aforesaid, he shall distinguish by the words *first* or *second*; and all other Butter shall be distinguished by the word *refuse*, and branded in plain legible letters, together with the letters MASS. and the name of the town where it shall be thus inspected, with the initial letters of his christian name and his surname at large. For which services, and for inspecting and weighing the same, and delivering to the owner an invoice or weigh-note, under his hand, of the weight of each cask, keg or firkin, he shall have and receive *Four Cents*, for every cask, keg or firkin so inspected, to be paid by the purchaser of the same.

Manner of
inspecting.

Casks, &c. to
be branded.

Fee.

SECT. 2. *And be it further enacted,* That from and after the first day of *August* next, every cask, keg or firkin, in which Butter shall be packed for foreign exportation, shall be made of sound and well seasoned white-oak or ash staves and heading, full bound, twelve and an half inches in length, and eight and half inches diameter in the head, or fifteen inches in length, and ten and an half inches diameter in the head.

Casks, &c.
how to be
made.

SECT.

SECT. 3. *And be it further enacted,* That each cask, keg or firkin, before any Butter be packed therein, shall be filled with a strong brine, which shall remain therein three days; and as soon as the brine is emptied from the cask, keg or firkin, it shall be weighed by the owner of such Butter, who shall, with a marking iron, mark on one of the heads thereof the full weight of the cask, keg or firkin, and shall brand or imprint, with a burning iron, the initial letter of his christian name and his surname at large; and in case he shall falsely mark the same, such owner, upon conviction thereof, shall forfeit *Three Dollars.*

Before Butter is packed, casks &c. to be filled with brine. When emptied to be weighed and branded.

Penalty for marking falsely.

SECT. 4. *And be it further enacted,* That no Butter shall be exported out of this Commonwealth, unless the master or owner of the vessel produces to the Collector or any other officer authorized by the laws of the United States to clear vessels out, a certificate from the Inspector-General or his deputy, that the same has been inspected and branded according to the directions in this Act; each certificate shall express the number of casks, and their weight; and the master or owner of any vessel in which Butter is so exported, on producing said certificate, shall take and subscribe the following oath before the officer authorized as aforesaid:

Vessels not to be cleared, without a certificate respecting Butter on board is exhibited.

Masters or owners of vessels to be sworn.

"I, *A. B.* of _____ do swear that, according to the best of my knowledge and belief, the Certificate hereunto annexed, contains the whole quantity of Butter on board _____ Master; and that no Butter is shipped on board said vessel for the ship's company, on freight, or on cargo, but what is inspected and branded according to the Law of this Commonwealth. *So help me GOD."*

Form of the oath.

And every Inspector or Deputy-Inspector, shall receive *Ten Cents*, for every certificate so given; and it shall be his duty to give certificates whenever required.

Inspectors fees.

SECT. 5. *And be it further enacted,* That if any Inspector of Butter (according to the duties of this Act) shall, on application made for the examination of any Butter as aforesaid, unreasonably refuse, neglect or delay to proceed to such examination and inspection, for the space of three hours after such application so made to him, the Inspector so refusing, neglecting or delaying to make such examination or inspection, shall, for each offence, forfeit the sum of *Two Dollars.*

Penalty for delaying to inspect.

SECT. 6. *And be it further enacted,* That if any person shall counterfeit any brand belonging to, or proper to be used by the said Inspector or any of his deputies, or shall impress or brand any cask, keg or firkin of Butter with any brand or brands of such Inspector, or with any counterfeit brand as aforesaid, he shall forfeit and pay, for each offence, the sum of *Ten Dollars.*

----- for counterfeiting a brand.

SECT. 7. *And be it further enacted,* That if any person shall empty any cask, keg or firkin of Butter, inspected and branded

Penalty for
putting bad
Butter in a
branded keg.

branded as by this Act is required, and put in any other Butter, for sale or exportation, without first cutting out the said brands and marks, the person or persons so offending, shall, for each such cask, keg or firkin, forfeit and pay the sum of *Ten Dollars*.

Recovery of
fines.

SECT. 8. *And be it further enacted*, That all fines and forfeitures mentioned in this Act, shall and may be sued for and recovered, with costs, by any person, to his own use, before a Justice of the Peace, or any other Court proper to try the same, with liberty of appeal, as in other civil actions.

Inspector to be
appointed.

SECT. 9. *And be it further enacted*, That there shall be an Inspector of Butter for the Commonwealth, who shall be skilled in the knowledge and properties of the same, to be appointed by the Governor, with the advice and consent of the Council, to be by them removable at pleasure; and who, before he shall enter upon the duties of his office, shall give bond, with sufficient sureties, to the Treasurer of the Commonwealth, in the penal sum of *One Thousand Dollars*, for the faithful discharge of his duty; and shall also be sworn faithfully to discharge the same. And such Inspector shall have power, when so qualified, to appoint and shall appoint Deputy-Inspectors in every seaport town where Butter is exported, and such other places as he shall judge necessary, for whom he shall be answerable, and shall take bonds from them, with sufficient surety or sureties, in the penal sum of *Five Hundred Dollars*, for the faithful discharge of their duty, and they shall also be sworn to the faithful discharge of their duty.

Inspector and
deputies to be
under bonds.

Inspectors may
appoint Deputy-
Inspectors.

Former laws
repealed.

SECT. 10. *And be it further enacted*, That all former laws, respecting the inspection of Butter, so far as they relate to the same, be and hereby are repealed: *Provided nevertheless*, That they shall be considered as in full force with regard to all actions and prosecutions which may be now depending for any penalty or forfeiture incurred by breach of the same.

Proviso.

[This Act passed March 4, 1800.]

An ACT in Addition to an Act, entitled, "An Act to prevent the Destruction of the Fish called Alewives, in *Taunton-Great-River* (so called) in the County of *Bristol*; and also to regulate the catching the said Fish therein for the future."

[This Act passed March 4, 1800.]

An ACT exempting *Muscongus-River*, in the Town of *Waldoborough*, from the Operation of all Laws regulating the Salmon, Shad and Alewife Fisheries in said Town.

[This Act passed March 4, 1800.]

An ACT providing for the public Worship of GOD, and other Purposes therein mentioned, and for repealing the Laws heretofore made relating to this Subject.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the respective Churches, connected and associated in public Worship with the several towns, parishes, precincts, districts, and other bodies politic, being religious societies, established according to law, within this Commonwealth, shall, at all times, have, use, exercise and enjoy, all their accustomed privileges and liberties, respecting divine Worship, church order and discipline, not repugnant to the Constitution of this Commonwealth, and shall be encouraged in the peaceable and regular enjoyment and practice thereof.

Liberty of
Worship, &c.
confirmed.

SECT. 2. *Be it further enacted,* That every corporate town, parish, precinct, district, and other body politic or religious society aforesaid, is hereby required to be constantly provided with a public Protestant Teacher of piety, religion and morality; and in default of being so provided and supplied, for the term of three months in any six months, such town, parish, precinct, district, and other body politic or religious society, which shall, in the judgment of the Court of General Sessions of the Peace for the same county, be adjudged of sufficient ability to be so provided, shall pay a fine, for a first offence, of a sum not exceeding *Sixty Dollars*, nor less than *Thirty*; and for each and every like offence after the first, a fine not exceeding *One Hundred Dollars*, nor less than *Sixty Dollars*, together with costs of prosecution; such fine to be recovered by indictment in the Court of General Sessions of the Peace in the county where such delinquency may happen, and levied on the inhabitants composing such town, parish, precinct, district, and other body politic or religious society so delinquent, in the same manner as other fines are levied on the inhabitants of towns. And every such fine shall be disposed of, by order of said Court, to the support of the public Worship of God in such religious society in the same county, as, in the opinion of said Court, shall stand most in need thereof.

Every town,
&c. to be pro-
vided with a
Minister.

Penalties for
neglect.

Fines, how re-
covered.

Appropriation.

SECT. 3. *Be it further enacted,* That any contract made by such town, parish, precinct, district, and other body politic or religious society, with any such public teacher aforesaid, as may be by them respectively chosen for their teacher or religious instructor, shall have the same force, and be as binding on such corporation or religious society, as any other lawful contract; and all Courts of competent jurisdiction, shall have power to sustain suits brought to enforce their performance.

Contracts with
Ministers, to
be binding.

And in order that all the citizens of this Commonwealth may, according to the wise and reasonable provision of the Constitution,

Constitution, be alike required to contribute to the support of their public teachers aforesaid :

Assessments for money, to be made on all the ratable polls, except Quakers.

SECT. 4. *Be it further enacted*, That every town, parish, precinct, district, and other body politic and religious society aforesaid, is hereby authorized to cause all sums of money by them respectively voted to be raised, from time to time, in any legal meeting duly assembled and holden for that purpose, for the settlement or support of any public teacher or teachers as aforesaid, or the building or repairing any house or houses of public Worship, to be assessed on all the ratable polls and property within each particular corporation or religious society aforesaid (the polls and estates of Quakers excepted) in the same proportion as state or town taxes are by law assessed. And such sums of money, when so assessed and collected, shall be paid into the treasury of such town, if composed of one parish or society : if otherwise, to the Treasurer of the parish, precinct, district, or other body politic or religious society aforesaid, to be by him paid out as directed and ordered by the Selectmen of such town or district committee (where chosen) or otherwise by the Assessors of such parish, precinct, and other body politic or religious society, for the purposes for which such money was raised : *Provided however*, That when any person taxed in any such tax or assessment voted to be raised as aforesaid, for the purposes aforesaid, being at the time of voting or raising any such tax or assessment of a different sect or denomination from that of the corporation, body politic or religious society by which said tax was so assessed, shall request, that the tax set against him or her, in the assessment made for the purposes aforesaid, may be applied to the support of the public teacher of his own religious sect or denomination ; such person, procuring a certificate signed by the public teacher on whose instruction he usually attends, and by two other persons of the society of which he is a member (having been specially chosen a committee to sign said certificate) in substance as follows, *viz.*

Case of a person's being assessed by one religious society who belongs to another.

Certificate.

Form of the certificate.

“ WE, the Subscribers, *A. B.* public Teacher of a Society of the religious sect or denomination called _____ in the town, district, precinct or parish of _____ and *C. D. E. F.* Committee of said Society, do hereby certify that _____ doth belong to said Society ; and that he or she (as the case may be) frequently and usually, when able, attends with us in our stated Meetings for religious Worship.”

Which certificate having been produced to the Selectmen, Committee or Assessors (as the case may require) of the town, district, parish, precinct, or other body politic or religious society by whom he or she has been taxed as aforesaid, it shall be sufficient to require them respectively to order and direct the

the Treasurer of such corporation or religious society, to pay over the amount of such taxes, so applied for, to the use of the public teacher of the religious sect or denomination to which such applicant belongs; and such public teacher shall thereby be entitled to receive the same.

SECT. 5. *Be it further enacted*, That the Assessors of each parish or religious society within this Commonwealth, may omit, in the taxes voted to be assessed on the polls and estates within such parish or society, such persons living within the limits of the same as belong to and usually attend public Worship in a religious society of a different denomination. *Provided*, That nothing in this Act contained shall take from any church or religious society in the town of *Boston*, or any other town, the right and liberty to support the public Worship of God, by a tax on pews, or other established mode.

Assessors not to tax those in their parish who worship in another.

Taxes on pews not affected.

SECT. 6. *Be it further enacted*, That all laws providing for the settlement of Ministers, and the support of the public Worship of God, made prior to the adoption of the present Constitution of this Commonwealth, be and hereby are repealed, except so far as relate to the recovery of all fines and penalties accruing under the same, and the fulfilment of all contracts made under and by virtue thereof.

Former laws repealed.

[This Act passed March 4, 1800.]

An ACT to empower the Selectmen of the Towns of *Boston* and *Charlestown* to increase the Number of Engine-Men in said Towns, and for other Purposes. Feb. 7, 1786.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Selectmen of the towns of *Boston* and *Charlestown*, be and they hereby are respectively authorized and empowered (if they shall judge it expedient) to nominate and appoint, as soon as may be after the passing of this Act, and ever after in the month of *January* annually, any number not exceeding six men to each Engine, in addition to the number of men now authorized by law.

Selectmen authorized to increase the number of Engine-Men.

SECT. 2. *And be it further enacted*, That all persons legally attached to any Engine within this Commonwealth, be and they hereby are excused from being chosen or drawn to serve as Jurors in any Court within this Commonwealth, in all cases where the town to which such Engine-Men belong shall, at a legal meeting of its inhabitants, by vote declare the expediency of excusing such person from serving as Jurors.

Engine-Men exempted from serving as Jurors.

[This Act passed March 4, 1800.]

An

March 7, 1800. An ACT to repeal a Part of the ninth Section of an Act, entitled, “ An Act to incorporate *Hugh McLellan*, and others, into a Company by the Name of *The Maine Fire and Marine Insurance Company*.”

[This Act passed June 5, 1800.]

An ACT to incorporate *George Dodge*, and others, into a Company by the Name of *The Salem Marine Insurance Company*.

[This Act passed June 9, 1800.]

Feb. 24, 1800. An ACT in Addition to an Act, entitled, “ An Act for establishing a Corporation by the Name of *The Eighth Massachusetts Turnpike Corporation*.”

[This Act passed June 10, 1800.]

Feb. 25, 1800. An ACT in Addition to, and for altering an Act, entitled, “ An Act for establishing a Corporation by the Name of *The Ninth Massachusetts Turnpike Corporation*.”

[This Act passed June 10, 1800.]

An ACT to incorporate a Number of the Inhabitants of the Towns of *Russell*, *Blandford*, *Norwich* and *Montgomery*, in the County of *Hampshire*, into a distinct religious Society by the Name of *The United Baptist Society*.

[This Act passed June 12, 1800.]

Feb. 22, 1794. An ACT in Addition to an Act, entitled, “ An Act for incorporating the several religious Societies in *Newbury-Port*, in the County of *Essex*.”

[This Act passed June 12, 1800.]

An ACT to cede to the United States the Jurisdiction of the Tract of Land which shall be required for the Light-House, authorized by Congress to be erected on *Wigwam-Point*.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the*

same, That the United States of America may purchase or take, as herein after is provided, any Tract of Land which shall be found necessary and convenient for the Light-House, authorized by Congress to be erected upon *Wigwam-Point*, in the town of *Gloucester*, within this Commonwealth; and during the continuance of the use and appropriation aforesaid, the jurisdiction of such Tract of Land, not exceeding the quantity of seven acres for such Light-House, shall be and hereby is ceded to, and shall be in the said United States; *Saving, and provided always*, That all civil and criminal processes, issued under the authority, or by any officers of this Commonwealth, shall have full force and effect within the said Tract of Land, and any buildings which shall be there erected, this cession of jurisdiction notwithstanding.

The U. States allowed to purchase and have jurisdiction of Land on *Wigwam-Point*.

Proviso.

SECT. 2. *And be it further enacted*, That if the agent or person employed for the United States, and the owner or owners of such Tract of Land, as shall be found necessary and convenient for the said Light-House, cannot agree in a sale and purchase thereof, such agent or person employed may apply to any Court of General Sessions of the Peace which shall be holden within the county wherein such Land lies, who shall and may appoint a committee of three freeholders, impartial men, to determine a just equivalent to the owner or owners of such Land; which committee shall be sworn before some Justice of the Peace, for the faithful discharge of their trust; and shall forthwith proceed to view, set off and appraise such Tract of Land, and shall make return of their doings to the same Court; which award and return being accepted by the Court, and the amount of such appraisement being paid to the owner or owners of Land appraised and set off by such committee; or if the owner or owners shall not appear, or shall refuse to receive the same, to such person or Corporation, for the use of the owner or owners, as the same Court shall order; the Tract of Land so appraised and set off, shall be vested in the United States, and shall and may be taken, possessed and appropriated for the purposes aforesaid: *Provided*, That all charges of such application and appraisement shall be paid by the United States; and *Provided*, That the Land which may be set off, for the purposes of this Act, shall not exceed the quantity of seven acres in the whole, for such Light-House, including and reckoning therewith any land purchased for the same.

Case of disagreement as to the value.

United States to pay charges of appraisement, &c.

[This Act passed *June 12, 1800.*]

An ACT to alter the Time of holding one of the Courts of General Sessions of the Peace and Courts of Common Pleas, in the County of *York*.

Preamble.

WHEREAS the holding of the Court of General Sessions of the Peace and Court of Common Pleas, now by law appointed to be holden at *Biddeford*, in and for the county of *York*, on the second Tuesday of *November*, is found to be inconvenient :

Courts, when to be held.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Court of General Sessions of the Peace and Court of Common Pleas, now by law appointed to be annually holden at Biddeford, within and for the county of York, on the second Tuesday of November ; shall, in future, be annually holden at the same place, on the last Tuesday of October ; any law to the contrary notwithstanding.

[This Act passed June 12, 1800.]

An ACT to set off *Timothy Horton* from the first Parish in *West-Springfield*, in the County of *Hampshire*, and to annex him to the second Parish in said Town.

[This Act passed June 13, 1800.]

An ACT to change the Name of *Charles Cabot*, to that of *Charles George Cabot*.

[This Act passed June 13, 1800.]

Jan. 27, 1800.

An ACT in Addition to an Act, entitled, “ An Act to incorporate sundry Persons by the Name of *The President, Directors and Company of the Gloucester Bank*. ”

Capital stock limited.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the capital stock of said Corporation shall hereafter consist of One Hundred Thousand Dollars, in specie, and no more, and shall be divided into shares of One Hundred Dollars each ; any thing in the said Act to which this is in addition to the contrary notwithstanding.*

Installments to be paid as may be directed.

SECT. 2. *Be it further enacted, That all the sums which may be added to the capital stock of said Corporation, under the authority of this Act, shall be subscribed and paid in, in such manner as shall be hereafter agreed upon by a majority of the votes, at any legal meeting of the Stockholders holden for that purpose.*

[This Act passed June 13, 1800.]

An ACT to repeal the third Section of an Act, entitled, " An Act to repeal an Act, entitled, " An Act to incorporate the Committee of the Church and Congregation in the Town of *Warwick*, for certain Purposes ;" passed *February*,* One thousand seven hundred and ninety-five. * The 22th.

[This Act passed June 14, 1800.]

An ACT to set off *John Thayer*, and others, with their Polls and Estates, from the Town of *Belcher-town*, in the County of *Hampshire*, and to annex them to the second Parish in *Amherst*, for parochial Privileges.

[This Act passed June 14, 1800.]

An ACT to exempt *Sheepscot-River* from the Operation of all Laws regulating the Fisheries in the Counties of *Lincoln* and *Cumberland*, excepting so far as relates to *Dyer's-River*, and the Streams and Ponds running into or connected with the said *Dyer's-River*.

[This Act passed June 14, 1800.]

An ACT prescribing the Time for holding the several Courts of Common Pleas and Courts of General Sessions of the Peace within and for the County of *Hampshire*.

WHEREAS, by the alteration of the time of holding the Supreme Judicial Court in said county, it has become necessary that the time of holding said first mentioned Courts should be altered : Therefore,

Preamble.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of August next, the said Courts of General Sessions of the Peace and Courts of Common Pleas, shall annually be holden at Northampton, within and for the said county, on the Monday next preceding the last Tuesday of August, on the Monday next preceding the third Tuesday of November, on the Monday next preceding the third Tuesday of January, and on the Monday next preceding the fourth Tuesday of May ; and all writs, recognizances, processes, appeals, or continuances which have been, or may, before the tenth day

Times at which the Courts are to be holden.

Matters
referred.

day of *August* next, be commenced to, taken for, or pending in the said Court of General Sessions of the Peace or Court of Common Pleas, by law to be holden on the Monday next preceding the first Tuesday of *September* next, may be returned to, entered, have day in, and be proceeded upon in the said Courts to be holden in *August* next; and all matters and things may be done and performed by said Courts on the Monday preceding the last Tuesday of *August* next, in the same manner as they might have been done and performed by said Courts in *September* next, if this Act had not been passed.

[This Act passed *June 16, 1800.*]

An ACT establishing *The Tenth Massachusetts Turnpike Corporation.*

[This Act passed *June 16, 1800.*]

An ACT providing for the Cession of *Clark's-Point*, in the Town of *New-Bedford*, to the United States.

Quantity of
Land to be
ceded.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That one hundred and thirty-four rods of Land at the end of *Clark's-Point*, in the town of *New-Bedford*, on which there is now a Light-House standing, the property of the United States, be and hereby is granted and ceded to the United States.

Concurrent
jurisdiction
retained.

SECT. 2. *Provided however, and be it further enacted,* That the cession and grant aforesaid is upon this exprefs condition, That this Commonwealth shall retain a concurrent jurisdiction with the United States in and over the Land aforesaid, so far as that all civil processes, and such criminal processes as may issue under the authority of this Commonwealth, against any person or persons charged with crimes committed without the Land aforesaid, may be executed therein, in the same way and manner as though this cession had not been made and granted.

[This Act passed *June 16, 1800.*]

Feb. 26, 1800.

An ACT to repeal Part of an Act, entitled, "An Act for the due Regulation of Weights and Measures."

The keeping
of a Bushel
measure not
necessary.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of the Act aforesaid as requires that the Treasurers of the several counties within this Commonwealth shall provide and keep a Bushel measure, as a standard, be and the same hereby is repealed.

[This Act passed *June 16, 1800.*]

An

An ACT in Addition to an Act, entitled, "An Act June 21, 1799. to empower the Inhabitants of the Town of *Salem* to choose a Board of Health, and for removing and preventing Nuisances in said Town ;" and for repealing Part of said Act.

[This Act passed June 16, 1800.]

An ACT for the Preservation, and to regulate the taking of Fish in *Crooked-River* and *Songo-River*, in the Counties of *York* and *Cumberland*.

[This Act passed June 16, 1800.]

An ACT to continue in Force an Act passed in the Year of our LORD One thousand seven hundred and ninety-six,* entitled, "An Act establishing and regulating the Fees of the several Officers, and other Persons hereafter mentioned, and for repealing the Laws heretofore made for that Purpose." * 13th Feb.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Act be and hereby is continued in force until the first day of June, in the year of our Lord one thousand eight hundred and one ; any thing in that or any other Act to the contrary notwithstanding. Former Act continued.

[This Act passed June 16, 1800.]

An ACT to incorporate sundry Persons in the Towns of *Rochester*, in the County of *Plymouth* ; and *New-Bedford*, in the County of *Bristol*, into a religious Society by the Name of *The United Baptist Church and Society in Rochester and New-Bedford*.

[This Act passed June 17, 1800.]

An ACT authorizing the Town of *Westfield*, in the County of *Hampshire*, to build a Toll-Bridge over *Westfield-Great-River*, near *Park's-Mills*, in said County, and to enable the Inhabitants of said Town to support the same.

[This Act passed June 17, 1800.]

June 17, An. 1800.

An ACT to incorporate a Number of the Inhabitants of the Towns of *Brookfield* and *Spencer*, in the County of *Worcester*, into a distinct religious Society by the Name of *The First Baptist Society in Brookfield.*

[This Act passed June 17, 1800.]

An ACT to render valid the Doings of the Coroners of the Counties of *Hancock* and *Lincoln.*

Preamble.

WHEREAS the Coroners of the counties of *Hancock* and *Lincoln* have neglected to give bonds as the law requires, and yet have served divers writs and precepts, and performed other official duties :

Doings rendered good and valid.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all writs and processes which have issued from good and lawful authority, directed to the Coroners of said counties, and which have been served and executed by them ; and all inquests by them taken ; shall be as good and valid, as if the said Coroners had given bonds to the acceptance of the Court of Common Pleas, as required by law ; any law to the contrary notwithstanding. *Provided,* That nothing herein contained shall be construed to affect any action now pending for the neglect or omission of any such Coroner.

Proviso.

[This Act passed June 17, 1800.]

An ACT authorizing the United States to purchase a certain Tract of Land in *Charlestown* for a Navy-Yard.

The U. States authorized to purchase.

SECT. 1. **B**E it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the consent of this Commonwealth be and hereby is granted to the United States, to purchase a Tract of Land situated in the northeasterly part of the town of *Charlestown*, in the county of *Middlesex*, adjoining and bounded on two sides by *Charles* and *Mystick-Rivers*, not exceeding sixty-five acres, exclusive of flats, for the purpose of a Navy or Dock-Yard, or both of them, and erecting magazines, arsenals, and other needful buildings : The evidence of the purchases aforesaid, to be entered and recorded in the Registry of Deeds in the said county of *Middlesex.* *Provided always ;* and the consent aforesaid is granted upon the express condition, That this Commonwealth shall retain a concurrent jurisdiction with the United States, in and over the Tract of Land aforesaid, so far

Proviso.

as

as that all civil, and such criminal processes as may issue under the authority of this Commonwealth against any person or persons charged with crimes committed without the said Tract of Land, may be executed therein, in the same way and manner as though this consent had not been granted.

SECT. 2. *And be it further enacted,* That if the agent or agents employed for the United States, and the owner or owners of said Tract of Land so to be purchased, cannot agree in the sale and purchase thereof, such agent or agents may apply to any Court of General Sessions of the Peace which shall be holden within and for the aforesaid county of *Middlesex*; which Court, after due notice given to the said owner or owners, are hereby empowered and directed to hear, and finally determine the value of the same Tract of Land, or any part or portion thereof, by a Jury under oath, to be summoned by a Sheriff or his deputy for that purpose; or by a committee of three persons, if the parties aforesaid can agree upon them; and the value thereof being thus ascertained by the verdict of such Jury, or the report of such committee, who are also to be under oath faithfully and impartially to value said Tract of Land, or any part or portion of the same; and such verdict or report being accepted and recorded by said Court, and the amount thereof being paid or tendered to the owner or owners of said Tract of Land, or to the owner or owners of any part of said Tract of Land that shall have been thus valued, with his or her reasonable costs; the said Tract of Land, or such parts of the same as shall be thus valued, shall forever be vested in the United States, and shall and may be by them taken, possessed and appropriated to the purposes aforesaid.

Case of disagreement between the agents and owners.

[This Act passed *June 17, 1800.*]

An ACT for setting off *Jonathan Kingsbery, jun.* an Inhabitant of the westerly Precinct in *Needham*, in the County of *Norfolk*, and annexing him and his Estate to the easterly Parish in said *Needham*.

[This Act passed *June 17, 1800.*]

An ACT to ascertain the Quality of Hogs'-Lard; and making further Provision for the Inspection of Butter. *March 4, 1800.*

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Inspector-General and Deputy-Inspector, appointed or to be appointed by virtue of the Act, entitled, "An Act to ascertain the quality of Butter, and for the more effectual

Inspector of
Butter to be
Inspector of
Lard, under
the same reg-
ulations.

effectual inspection of the same," shall also be Inspectors of Hogs'-Lard; and the several fees for inspection, fines, forfeitures, rules and regulations, for the exportation of Butter, mentioned in the said Act, shall extend to, and be the same for, and respecting the shipping of Hogs'-Lard packed for exportation, agreeably to the directions of this Act.

Lard to be
packed as
Butter is.

SECT. 2. *Be it further enacted*, That all Hogs'-Lard exported from this Commonwealth, shall be inspected, examined, branded, and packed in kegs, in the same manner as is directed in the Act for the inspection of Butter, herein before named.

Small kegs of
Butter may be
branded.

SECT. 3. *Be it further enacted*, That the several Inspectors of Butter and Hogs'-Lard may inspect and brand kegs of Butter of the following sizes, when thereto requested, viz. Kegs twelve inches long, and seven and an half inches diameter in the heads; or ten inches long, with six inches head.

Penalties for
exporting But-
ter or Lard
not inspected.

SECT. 4. *And be it further enacted*, That if any person or persons shall export, or ship for exportation, out of this Commonwealth, any Butter or Hogs'-Lard, not inspected and branded as, by this Act and the Act herein before named, to ascertain the quality of Butter, they are directed; every such exporter or shipper, and the master of every vessel having on board such uninspected Butter or Lard, shall, on conviction thereof, respectively forfeit and pay the sums following: The owner or exporter shall forfeit and pay the sum of *One Dollar*; and the master of every vessel having the same on board, the sum of *Fifty Cents*, for each cask exported or shipped, for exportation. And it shall be the duty of any Justice of the Peace, upon any information given of any Butter or Hogs'-Lard being put on board any vessel as aforesaid, not inspected and branded as required by this Act, or the said Act to ascertain the quality of Butter, to issue his warrant, directed to the Sheriff or his deputy, or to a Constable, requiring them respectively to make seizure of any such Butter or Hogs'-Lard not marked and branded as aforesaid, and to secure the same in order for trial; and said officers are hereby respectively required and empowered to execute the same; and it shall be the duty of every person, when required, to give the necessary aid for that purpose, on pain of forfeiting *Five Dollars* for his refusal.

[This Act passed June 17, 1800.]

An ACT making Compensation to the Solicitor-General of this Commonwealth, for his Services.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That there shall be allowed and paid out of the treasury of this Commonwealth, annually, the sum of *One Thousand Dollars*, to the Solicitor-General, when appointed, in full compensation

Salary.

penfation for his fervices, to be paid in quarterly payments, as the fame fhall become due.

SECT. 2. *And be it further enacted by the authority aforefaid,* That in all bills of cofts, in criminal prosecutions, before the Supreme Judicial Court in this Commonwealth, wherein the Solicitor-General fhall be concerned, the fum of *Two Dollars and Fifty Cents* fhall be taxed for his fees, without any allowance for travel; and all fees thus received by the faid Solicitor-General fhall be accounted for by him annually with the Treafurer of this Commonwealth. And in all bills of cofts where the faid fum of *Two Dollars and Fifty Cents* fhall be taxed for the Solicitor-General, the fame fum fhall not be again taxed for the fees of the Attorney-General; any thing in the A^ct, entitled, "An A^ct making compenfation to the Attorney-General of this Commonwealth for his fervices," to the contrary notwithstanding.

Fees.

[This A^ct paffed June 17, 1800.]

An ACT in Addition to an A^ct, entitled, "An A^ct eftablifhing *The Fifth Massachusetts Turnpike Corporation.*"

March 1, 1799
Nov. 15, 1800

[This A^ct paffed June 17, 1800.]

An ACT in further Addition to an A^ct, entitled, "An A^ct for regulating and governing the Militia of the Commonwealth of *Massachusetts*, and for repealing all Laws heretofore made for that Purpose, excepting an A^ct, entitled, "An A^ct for eftablifhing Rules and Articles for governing the Troops ftationed in Forts and Garrifons within this Commonwealth, and alfo the Militia when called into actual Service;" and for repealing the twenty-third Section of the A^ct in Addition to the A^ct aforefaid, paffed on the fourth Day of *March*, in the Year of our LORD One thoufand and eight hundred.

June 22, 1799

SECT. 1. *BE it enacted by the Senate and Houfe of Representatives, in General Court affembled, and by the authority of the fame,* That every non-commissioned Officer or other perfon, who fhall neglect or refufe to give any warning required by the aforefaid additional A^ct, when ordered thereto by the Commanding Officer, as in faid Additional A^ct is mentioned, by his warrant under his hand, or when commanded to do and perform the duty prefcribed in the feventeenth fection of the aforefaid additional A^ct, fhall, for every fuch offence, forfeit and pay a fine of *Twenty Dollars*; one moiety thereof to the

Penalty for
fufing to wa
Members.

the Clerk of the company who shall prosecute for the same, the other moiety to the Commanding Officer of said company, in trust for the use of said company : And when there shall not be any Clerk in such company, then it shall be the duty of the Brigade-Inspector ; or in case of a vacancy in that office, then of the Adjutant-General to prosecute for said fine ; in which case, one half thereof shall be to the use of the officer who shall prosecute for the same, and the other half to the Commonwealth.

SECT. 2. *And be it further enacted*, That the twenty-third section of the additional Act aforesaid be and the same hereby is repealed, except so far as respects the recovery of any fines or forfeitures already incurred thereby.

[This Act passed June 17, 1800.]

An ACT to authorize the Use of the vibrating Steelyard.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this Act, the vibrating Steelyard, invented by BENJAMIN DEARBORN, be permitted to be used in all cases of weighing throughout this Commonwealth : *Provided*, That before being offered for sale, or the same shall be used, each beam, and the poizes thereof, shall be sealed by some public Sealer of Weights and Measures, appointed according to law.

[This Act passed June 17, 1800.]

An ACT altering the Time for holding the Courts of General Sessions of the Peace and Common Pleas, within and for the County of Worcester.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the Courts of General Sessions of the Peace and Common Pleas, which by law are to be holden at Worcester, within and for the county of Worcester, on the Monday next preceding the last Tuesday of August annually ; shall be holden at the same place, on the Monday next preceding the second Tuesday of August annually, instead of the Monday next preceding the last Tuesday of August aforesaid.

SECT. 2. *Be it further enacted*, That all actions, suits, writs, processes, precepts, appeals, recognizances, and all matters whatsoever already commenced, sued out, or pending in said Courts, or that hereafter may be commenced, sued out, or returnable to either of the Courts aforesaid on the Monday next preceding

Who is to
prosecute.

Part of
former Act
repealed.

The use au-
thorized.

Proviso.

Time of sitting
altered.

All writs, &c.
returnable a-
greeable to
this altera-
tion.

preceding the last Tuesday of *August* next ; and all actions, suits, processes, recognizances, and prosecutions of every kind now pending, or that may be pending before either of the Courts aforesaid, which before the passing of this Act were to have been holden on the Monday next preceding the last Tuesday of *August* next ; shall be returnable to, entered, made, proceeded upon, prosecuted, had and determined, agreeably to the true intent of such actions, writs, suits, processes, appeals, recognizances and prosecutions, before the said Court to be holden, by virtue of this Act, at said *Worcester*, on the said Monday next preceding the said second Tuesday of *August* next.

[This Act passed *June 17, 1800.*]

An ACT in Addition to an Act for establishing a Corporation by the Name of *The Fifth Massachusetts Turnpike Corporation.* *June 17, 1800.*

[This Act passed *November 15, 1800.*]

An ACT in Addition to, and for the Amendment of an Act, entitled, “ An Act for establishing a Corporation by the Name of *The Sixth Massachusetts Turnpike Corporation.*” *March 4, 1800.*

[This Act passed *November 15, 1800.*]

An ACT to incorporate the Plantation called *New-Suncook*, in the County of *York*, into a Town by the Name of *Lovell*.

[This Act passed *November 15, 1800.*]

PRESIDENT WASHINGTON'S

ADDRESS.

TO THE PEOPLE OF THE UNITED STATES.

FRIENDS AND FELLOW-CITIZENS,

THE period for a new election of a citizen, to administer the executive government of the United States, being not far distant, and the time actually arrived, when your thoughts must be employed in designating the person, who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken without a strict regard to all the considerations appertaining to the relation, which binds a dutiful citizen to his country; and that, in withdrawing the tender of service, which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness: but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped, that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement, from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice, that the state of your concerns, external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my service, that,

PRESIDENT WASHINGTON's ADDRESS.

that, in the present circumstances of our country, you will not disapprove of my determination to retire.

The impressions, with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say, that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious, in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and every day the increasing weight of years admonishes more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe, that while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment, which is intended to terminate the career of my public life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude, which I owe to my beloved country, for the many honours it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to our praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead—amidst appearances sometimes dubious—vicissitudes of fortune often discouraging—in situations in which, not unfrequently, want of success has countenanced the spirit of criticism—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows, that Heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free Constitution, which is the work of your hands, may be sacredly maintained—that its administration, in every department, may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these States, under the auspices of liberty, may be made complete, by so careful a preservation and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection, and adoption, of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension

hension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments, which are the result of much reflection, of no inconsiderable observation, and which appear to me all-important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only feel in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsels. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government, which constitute you one people, is also dear to you. It is justly so ; for it is a main pillar in the edifice of your real independence ; the support of your tranquillity at home, your peace abroad ; of your safety ; of your prosperity ; of that very liberty which you so highly prize. But, as it is easy to foresee, that from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth ; as this is the point in your political fortress, against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite moment that you should properly estimate the immense value of your National Union, to your collective and individual happiness ; that you should cherish a cordial, habitual, and immovable attachment to it ; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity ; watching for its preservation with jealous anxiety ; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned ; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this, you have every inducement of sympathy and interest. Citizens, by birth or choice, of a common country, that country has a right to concentrate your affections. The name of AMERICAN, which belongs to you, in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits and political principles. You have, in a common cause, fought and triumphed together ; the independence and liberty you possess are the work of joint councils, and joint efforts, of common dangers, sufferings and successes.

But

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the Union of the whole.

The North, in an unrestrained intercourse with the South, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The South, in the same intercourse, benefiting by the agency of the North, sees its agriculture grow, and its commerce expand. Turning partly into its own channels the seamen of the North, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The East, in a like intercourse with the West, already finds, and, in the progressive improvement of interior communications, by land and water, will more and more find, a valuable vent for the commodities which it brings from abroad, or manufactures at home. The West derives from the East supplies requisite to its growth and comfort; and, what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable outlets for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure, by which the West can hold this essential advantage, whether derived from its own separate strength, or from an apostate and unnatural connexion with any foreign power, must be intrinsically precarious.

While, then, every part of our country thus feels an immediate and particular interest in Union, all the parts combined cannot fail to find, in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of most inestimable value, they must derive from Union an exemption from those broils and wars between themselves, which so frequently afflict neighbouring countries, not tied together by the same government; which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments and intrigues would stimulate and embitter. Hence, likewise, they will avoid the necessity of those overgrown military establishments, which, under any form of government, are inauspicious to liberty, and which are to be regarded as particularly hostile to Republican Liberty. In this sense it is, that your Union ought to be considered as a main prop of your
Liberty,

Liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the UNION as a primary object of patriotic desire. Is there a doubt, whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation, in such a case, were criminal. We are authorized to hope, that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to Union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those, who in any quarter may endeavour to weaken its bands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties, by geographical discriminations—*Northern* and *Southern*—*Atlantic* and *Western*; whence designing men may endeavour to excite a belief, that there is a real difference of local interests and views. One of these expedients of party to acquire influence, within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart-burnings which spring from those misrepresentations; they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our Western Country have lately had a useful lesson on this head: They have seen, in the negotiation by the Executive, and in the unanimous ratification by the Senate; of the treaty with Spain, and in the universal satisfaction at that event, throughout the United States, a decisive proof how unfounded were the suspicions, propagated among them, of a policy in the General Government and in the Atlantic States, unfriendly to their interests in regard to the MISSISSIPPI: They have been witnesses to the formation of two treaties, that with Great-Britain, and that with Spain, which secure to them every thing they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely, for the preservation of these advantages, on the UNION by which they were procured? Will they not henceforth be deaf to those advisers, if such there are, who would sever them from their brethren, and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts, can be an adequate substitute; they must inevitably experience the infractions and interruptions which

which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a Constitution of Government, better calculated than your former, for an intimate Union, and for the efficacious management of your common concerns. This Government, the offspring of our own choice, uninfluenced and unawed; adopted upon full investigation and mature deliberation; completely free in its principles; in the distribution of its powers, uniting security with energy; and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties, enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitution of government; but, the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations, under whatever plausible character, with the real design to direct, control, counteract or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation, the will of a party, often a small, but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill-concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans, digested by common council, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying, afterwards, the very engines which have lifted them to unjust dominion.

Towards the preservation of our government, and the permanency of your present happy state, it is requisite not only that you steadily discountenance irregular oppositions to its acknowledged authority, but also that you resist, with care, the spirit of innovation upon its principles, however specious the pretexts. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system, and thus to undermine what cannot be
directly

directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of government, as of other human institutions; that experience is the surest standard, by which to test the real tendency of the existing constitution of a country; that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change, from the endless variety of hypothesis and opinion; and remember, especially, that for the efficient management of your common interests, in a country so extensive as ours, a government of as much vigour as is consistent with the perfect security of liberty, is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you, the danger of parties in the State, with peculiar reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view, and warn you, in the most solemn manner, against the baneful effects of the spirit of party, generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists, under different shapes, in all governments, more or less stifled, controlled, or repressed; but in those of the popular form, it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissension, which, in different ages and countries, has perpetrated the most horrid enormities, is itself a frightful despotism: But this leads at length to a more formal and permanent despotism. The disorders and miseries, which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation, on the ruins of public liberty.

Without looking forward to an extremity of this kind (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill-founded jealousies and false alarms; kindles the animosity of one part against another; foment, occasionally, riot and insurrection.

insurrection. It opens the door to foreign influence and corruption, which find a facilitated access to the government itself, through the channels of party passion. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion, that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This, within certain limits, is probably true; and in governments of a monarchical cast, patriotism may look with indulgence, if not with favour, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain, there will always be enough of that spirit for every salutary purpose: and there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and allay it. A fire not to be quenched, it demands uniform vigilance to prevent its bursting into a flame, lest, instead of warming, it should consume.

It is important, likewise, that the habits of thinking, in a free country, should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres; avoiding, in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all departments in one, and thus to create, whatever be the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominates in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of the political power, by dividing and distributing it in different depositories, and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments, ancient and modern; some of them in our country, and under our own eyes. To preserve them, must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance, in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits, which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who would labour to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens.

The

The mere politician, equally with the pious man, ought to respect and cherish them. A volume could not trace all their connexions with private and public felicity. Let it simply be asked, Where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition, that morality can be maintained without religion. Whatever may be conceded to the influence of refined education, on minds of peculiar structure; reason and experience both forbid us to expect, that national morality can prevail, in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends, with more or less force, to every species of free government. Who, that is a sincere friend to it, can look with indifference upon attempts to shake the foundation of the fabric.

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is, to use it as sparingly as possible; avoiding occasions of expense by cultivating peace; but remembering also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding, likewise, the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate.

To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised, which are not, more or less, inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all: religion and morality enjoin this conduct; and can it be, that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and (at no

distant period) a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt, that in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be, that Providence has not connected the permanent felicity of a nation with virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential, than that permanent, inveterate antipathies against particular nations, and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation, which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity, or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another, disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and untractable, when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, evenomed and bloody contests. The nation, prompted by ill-will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts, through passion, what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty, of nations has been the victim.

So, likewise, a passionate attachment of one nation for another, produces a variety of evils. Sympathy for the favourite nation, facilitating this illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the interests of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducement or justification. It leads also to concessions to the favourite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions; by unnecessarily parting with what ought to have been retained; and by exciting jealousy, ill-will, and a disposition to retaliate, in the parties from whom equal privileges are withheld: and it gives to ambitious, corrupted or deluded citizens (who devote themselves to the favourite nation) facility to betray, or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding, with the appearances of a virtuous sense of obligation, a commendable deference

deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practise the arts of seduction, to mislead public opinion, to influence or awe the public councils ! Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow-citizens) the jealousy of a free people ought to be *constantly* awake ; since history and experience prove, that foreign influence is one of the most baneful foes of Republican Government. But that jealousy, to be useful, must be impartial ; else it becomes the instrument of the very influence to be avoided, instead of a defence against it. Excessive partiality for one foreign nation, and excessive dislike of another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favourite, are liable to become suspected and odious ; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connexion as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith.—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off, when we may defy material injury from external annoyance ; when we may take such an attitude, as will cause the neutrality, we may at any time resolve upon, to be scrupulously respected ; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocations ; when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation ?
Why quit our own, to stand upon foreign ground ? Why, by
D d 2 interweaving

interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalry, interest, humour, or caprice ?

It is our true policy to steer clear of permanent alliances with any portion of the foreign world ; so far, I mean, as we are now at liberty to do it : for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than to private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their *genuine* sense. But, in my opinion, it is unnecessary, and would be unwise, to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations, are recommended by policy, humanity and interest. But even our commercial policy should hold an equal and impartial hand ; neither lending nor granting exclusive favours or preferences ; consulting the natural course of things ; diffusing and diversifying, by gentle means, the streams of commerce, but forcing nothing ; establishing, with powers so disposed, in order to give our trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied, as experience and circumstances shall dictate ; constantly keeping in view, that it is folly in one nation to look for disinterested favours from another ; that it must pay, with a portion of its independence, for whatever it may accept under that character ; that, by such acceptance, it may place itself in the condition of having given equivalents for nominal favours, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favours from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish ; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations : But if I may even flatter myself, that they may be productive of some partial benefit, some occasional good ; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism ; this hope will be a full recompense for the solicitude for your welfare, by which they have been dictated.

How

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records, and other evidences of my conduct, must witness to you and to the world. To myself, the assurance of my own conscience is, that I have at least believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of *April*, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your Representatives in both Houses of Congress, the spirit of that measure has continually governed me; uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take, a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe, that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligations which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavour to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength and consistency, which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects, not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall always carry with me the hope that my country will never cease to view them with indulgence; and that after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love toward it, which is so natural to a man who views in it the native soil of himself and his progenitors

PRESIDENT WASHINGTON'S ADDRESS.

genitors for several generations ; I anticipate, with pleasing expectation, that retreat, in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow-citizens, the benign influence of good laws under a free government—the ever favourite object of my heart, and the happy reward, as I trust, of our mutual cares, labours and dangers.

G. Washington.

United States, 17th Sept. 1796.

A P P E N D I X,

C O N T A I N I N G

ACTS AND CLAUSES OF ACTS,

FROM THE LATE COLONY, PROVINCE AND STATE OF
MASSACHUSETTS, WHICH EITHER ARE UNREVISED,
OR RESPECT THE TITLE OF REAL ESTATE.

C H A P. I.

OF ESTATES.

Ability. Age.

SECT. 1. **I**T is ordered by this Court, and the authority thereof : That the age for passing away lands, or such kind of hereditaments, or for giving of votes, verdicts, or sentences in any civil Courts or causes, shall be one and twenty yeares; but in choosing guardians, fourteen yeares. And all persons of the age of one and twenty yeares as aforesaid, and of understanding and memorie, whether ex-communicate, condemned, or other, shall have full power and liberty, to make their wills and testaments, and other lawfull alienations of their lands and estates. [Passed A. D. 1641.]

Age of discre-
tion.

Liberty to dis-
pose estate.

Harvard College.

SECT. 2. Whereas through the good hand of God upon us, there is a Colledg founded in *Cambridg*, in the county of Middlesex, called *Harvard Colledg*; for encouragement whereof, this Court hath given the sum of four hundred pounds, and also the revenue of the ferry betwixt *Charlstown* and *Boston*, and that the well ordering and managing of the sayd Colledg is of great concernment : It is therefore ordered by this Court, and authority thereof, That the Governour and Deputy Governour for the time being, and all the Magistrates of this jurisdiction, together with the teaching Elders of the six

Commissioners
and feftees of
the Colledg.

next

To make orders.

Dispose of gifts and revenues.

next adjoyning townes, viz. *Cambridg, Watertowne, Charltown, Boston, Roxbury and Dorchester*, and the President of the sayd Colledg for the time being, shall from time to time have full power and authority to make and establish all such orders, statutes and constitutions, as they shall see necessary for the instituting, guiding and furthering of the sayd Colledg, and severall members thereof, from time to time, in piety, morality and learning; and also to dispose, order and manage to the use and behoofe of the sayd Colledg and members thereof, all gifts, legacies, bequeaths, revenues, lands and donations, as either have been, are, or shall be conferred, bestowed, or any wayes shall fall or come to the sayd Colledg.

Proviso.

And whereas it may come to pass, that many of the Magistrates and said Elders may be absent, or otherwise employed in other weighty affaires, when the sayd Colledg may need their present help and counsel: It is therefore ordered, That the greater number of Magistrates and Elders, which shall be present with the President, shall have the power of the whole. *Provided*, That if any constitution, order or orders by them made, shall be found hurtfull unto the sayd Colledg, or the members thereof, or to the weale publicke, then upon appeal of the partie or parties, greived unto the company of Overseers first mentioned, they shall repeale the sayd order or orders (if they see cause) at their next meeting, or stand accountable thereof to the next General Court. [1636. 40. 42.]

OF LANDS, &c.

Conveyances, Deeds and Writings.

No sale of land valid without deed, &c.

SECT. 3. For the prevention of clandestine and uncertaine sales and titles: It is ordered and declared by this Court, That henceforth no sale or alienation of houses and lands in this jurisdiction shall be holden good in law, except the same be done by deed, in writing, under hand and seale, and delivered, and possession given upon part, in the name of the whole, by the seller, or his attorney so authorized under hand and seale, unless the sayd deed be acknowledged and recorded according to law. [1652.]

How deeds & conveyances ought to be made.

Second. Whereas through the unskilfulness of some, that make deeds and conveyances of houses and land, the word *Heire* is oftentimes omitted, when as an estate of inheritance is intended to be passed by the parties; whereupon questions and suites at law are apt to arise. For the prevention whereof for time to come: This Court ordereth, That all deeds and conveyances of houses and lands in this jurisdiction, wherein an estate of inheritance is to be passed, it shall be expressed in these words, or to the like effect, viz. *To have and to hold the sayd house or lands respectively to the partie or grantee, his heires and assigns forever*: Or if it be an estate entayled, then

To

To have and to hold, &c. to the partie or grantee, and to the heires of his body lawfully begotten, or to the heires male of his body lawfully begotten between him and such an one, his wife, or to have and to hold to the grantee for term of life, or for so many yeares. Provided, This Law shall not include former deeds and conveyances; but leave them in the same condition as they were or shall be in before this Law takes effect, which shall be at the last of October, one thousand six hundred and fifty-one: Provided also, That this Law shall not extend to houses or lands given by will or testament, or to any land granted, or to be granted by the inhabitants of a town.

Provisos.

[1651.]

Third. It is ordered, That no conveyance, deed or promise whatsoever, shall be of validity, if it be obtained by illegal violence, imprisonment, threatning, or any kind of forcible compulsion called dures.

Deeds obtained by force invalid.

[1641.]

And all covenous or fraudulent alienations or conveyances of lands, tenements or any hereditaments, shall be of no force or validity, to defeat any man from his due debts or legacies, or from any just title, claime or possession, of that which is so fraudulently conveyed.

Fraudulent deeds invalid.

Fourth. And for the avoyding all fraudulent conveyances, and that every man may know what estate or interest other men may have in any houses, lands, or other hereditaments they are to deal in: It is ordered by the authority of this Court, That after the end of October, one thousand six hundred and forty, no mortgage, bargain, sale or graunt made, of any houses, lands, rents, or other hereditaments, where the granter remains in possession, shall be of force against other persons, except the granter and his heires, unless the same be acknowledged before some Magistrate, and recorded as is hereafter expressed: and that no such bargain, sale or graunt already made, in way of mortgage, where the granter remains in possession, shall be of force against other but the granter or his heires, except the same shall be entered, as is hereafter expressed, within one month after the date beforementioned, if the partie be within this jurisdiction, or elsewhere, within three months after he shall return. And if any such granter, being required by the grantee, his heires or assigns to make an acknowledgment of any grants, sale, bargain or mortgage by him made, shall refuse so to doe, it shall be in the power of any Magistrate to send for the partie so refusing, and committ him to prison without baile or maineprise, untill he shall acknowledge the same; and the grantee is to enter his caution with the Recorder of the County Court, and this shall save his interest in the mean-time. And if it be doubtfull whether it be the deed and grant of the partie, he shall be bound with sureties to the next Court of Assistants, and the caution shall remaine good as aforesayd. And for the recording of all such

Sales to be acknowledged and recorded.

Partie refusing to acknowledge his deeds, to be imprisoned.

Grantee to enter his caution

grants,

Clerk of the
Court to en-
ter deeds.

grants, sales, mortgages : It is ordered, That the Clerke of every Shire Court shall enter all such grants, sales, bargaines, mortgages of houses, lands, rents and hereditaments as aforesayd, together with the names of the granter and grantee, thing and estate granted, together with the date thereof.

[1641. 42.]

DOWRIES.

SECT. 4. Forasmuch as no provision hath been made for any certaine maintenance for wives after the decease of their husbands : It is ordered by this Court, and the authority thereof, That every married woman (living with her husband in this jurisdiction, or other where absent from him, with his consent, or through his meer default, or inevitable providence, or in case of divorce, where she is the innocent partie) that shall not before marriage be estated, by way of joynture, in some houses, lands, tenements, or other hereditaments, for term of life ; shall immediately, after the death of her husband, have right and interest, by way of dowry, in and to one *third part* of all such houses, lands, tenements and hereditaments as her husband was seized of to his own use, either in possession, reversion or remainder, in any estate of inheritance (or frank-tenement not then determined) at any time during the marriage, to have and enjoy, for the term of her *natural life*, according to the estate of such husband, free and freely discharged of, and from all titles, debts, rents, charges, judgments, executions, and other incumbrances whatsoever, had, made or suffered by her husband, during the said marriage between them ; or by any other person claiming by, from, or under him, otherwise than by some act or consent of such wife signified by writing under her hand, and acknowledged before some Magistrate, or others authorized thereunto, which shall barr her from any right or interest in such estate. And if the heire of the husband, or other person interested, shall not within one month, after lawfull demand made, assign and set out to such widdow her just third part with conveniency, or to her satisfaction, according to the intent of this Law ; then, upon a *writ of dowry*, in the Court of that shire where the said houses, lands, tenements, or other hereditaments shall lye, or in the Court of Assistants, if the same lye in severall shires, her third part, or dowry, shall be assigned her, to be set out in severall, by mets and bounds, by such persons as the same Court shall appoint for that purpose, with all costs and damages sustained : *Provided alwayes*, This Law shall not extend to any houses, lands, tenements, or other hereditaments sold or conveyed away by any husband, *bona fide*, for valuable consideration before the last of *November*, one thousand six hundred and forty-seaven. *Provided also*, That every such widdow so endowed as aforesaid, shall not commit or suffer any strip or wast, but shall maintaine all such houses, fences and

Wives to enjoy
the third of
their husband's
lands, &c.

Widdowes'
third part to
be set out.

Proviso.

Not to suffer
strip or wast.

and inclosures as shall be assigned to her for her dowrie, and shall leave the same in good and sufficient reparation, in all respects. [1647.]

FERRIES.

SECT. 5. For settling all common ferryes in a right course, both for the passengers and owners : It is ordered by this Court, and the authority thereof, That whosoever hath a ferry graunted upon any passage, shall have the sole liberty for transporting passengers from the place where such ferry is graunted, to any other ferry-place where ferry-boates use to land ; and any ferry-boate that shall land passengers at any other ferry, may not take passengers from thence, if the ferry-boate of that place be ready. *Provided*, This order shall not prejudice the liberty of any that doe use to pass in their own or neighbours canoas or boates to their ordinary labour or business. But no ferryman shall carry over the water any passengers in a canoa, but in case of necessity, and upon his own desire, under the pain of forfeiture of the canoa. [1641.]

Men may pass ferryes in their own boates.

Proviso.

Ferryman not to carry in canoas.

HIGHWAYS.

SECT. 6. To the end there may be convenient high-ways for travellers : It is ordered by the authority of this Court, That all country high-ways shall be such as may be most easy and safe for travellers ; to which purpose, every town (where any such high-way is made, or to be made) shall appoint two or three men of the next town, whose inhabitants have most occasions thereof, chosen and appointed by their sayd town, who shall from time to time lay out all common high-ways where they may be most convenient, notwithstanding any man's proprieties (so as it occasion not the pulling down of any man's house, or laying open any garden or orchard) who in common grounds or where the soyl is wett, myrie or very rocky, shall lay out such high-ways the wider, *viz.* six, eight, ten, or more rods. [1639.]

By whom to be laid out.

Second. It is ordered and declared by this Court, That the Select Townes-men of every town, have power to lay out (by themselves or others) particular and private wayes concerning their own town, only so as no damage be done to any man without due recompence, to be given by the judgment of the sayd Selectmen, and one or two chosen by the sayd Selectmen, and one or two chosen by the partie ; and if any person shall find himselfe justly greived, he may appeal to the next County Court of that shire, who shall do justice therein, as in other cases. [1642.]

Private wayes in townes.

But no person shall stand charged with the repaire of common high-ways through his own ground. [1647.]

INDIANS.

SECT. 7. For settling the Indians title to lands in this jurisdiction : It is declared and ordered by this Court, and authority

Indians title
to land.

authority thereof, That what lands any of the Indians in this jurisdiction have possessed and improved by subduing the same, they have just right unto.

None to buy
land of In-
dians.

Second. And it is ordered, That no person whatsoever shall henceforth buy land of any Indian without license first had and obtained of the Generall Court; and if any offend herein, such land so bought shall be forfeited to the country.

[1633.]

LANDS—Free Lands.

SECT. 8. It is also ordered, and by this Court declared, That all our lands and heritages shall be free from all fines and licenses, upon alienations, and from all hariots, wardships, liveries, primerseizias, year, day and wast, escheates and forfeitures, upon the death of parents or ancestors, naturall, unnaturall, casuall or judiccial, and that for forever. [1641.]

LIBERTIES—Common.

Fishing and
fowling.

SECT. 9. It is ordered by this Court, decreed and declared, That every inhabitant who is an housholder, shall have free fishing and fowling in any great ponds, bayes, coves and rivers, so farr as the sea ebbs and flowes, within the precincts of the town where they dwell, unles the freemen of the same town or the General Court have otherwise appropriated them.

Proviso.

Provided, That no town shall appropriate to any particular person or persons, any great pond containing more than ten acres of land; and that no man shall come upon another's propriety without their leave, otherwise then as heerafter expressed. The which clearly to determine: It is declared,

Water passage
free.

That in all creeks, coves and other places about and upon salt water, where the sea ebbs and flowes, the proprietor of the land adjoyning shall have propriety to the low-water-mark, where the sea doth not ebb above a hundred rods, and not more wheresoever it ebbs further.

Proviso.

Provided, That such proprietor shall not, by this liberty, have power to stop or hinder the passage of boates or other vessels, in or through any sea, creeks or coves, to other mens houses or lands. And for great ponds lying in common, though within the bounds of some town, it shall be free for any man to fish and fowle there, and may pass and repass on foot through any man's propriety for that end, so they trespass not upon any man's corn or meddow.

[1641. 47.]

TOWNSHIP.

Liberty to pass
through prop-
riety to fish
and fowle.

SECT. 10. Whereas particular townes have many things which concerne onely themselves, and the ordering their own affaires, and disposing of business in their own town: It is therefore ordered, That the freemen of every town, with such others as are allowed, or the major part of them, shall have power to dispose of their own lands and woods, with all the priviledges and appurtenances of the said townes, to grant lots.

Townes power
to dispose lands.

[1636.]

WILLS.

SECT. II. And because many merchants, seamen, and other strangers resorting hither, oftentimes dying and leaving their estates undisposed of, and very difficult to be preserved in the interim from one County Court to another: It is therefore ordered, That it shall and may be lawfull for any two Magistrates, with the Recorder or Clerk of the County Court, meeting together, to allow of any Will of any deceased party to the executors or other persons in the Will mentioned, so as the Will be testified on the oath of two or more witnesses, and also to grant administration to the estate of any person dying intestate, within the said county, to the next of kin, or to such as shall be able to secure the same, for the next of kin and the Recorder or Clerk of the Court shall enform the rest of the Magistrates of the county, at the next County Court, of such Will proved or administration granted, and shall record the same.

Two Magistrates to take probate of Wills.

To grant administration.

[1652.]

Third. And it is ordered, That when the husband or parents dy intestate, the County Court of that jurisdiction where the party had his last residence, shall have power to assigne to the widdow such a part of his estate as they shall judg just and equal, as also to divide and assigne to the children or other heires their severall parts and portions out of the said estate: *Provided*, The eldest sonn shall have a double portion; and where there are no sonns, the daughters shall inherit as co-partners, unless the Court, upon just cause alledged, shall otherwise determine.

County Court to divide the estate undisposed.

Eldest sonn a double portion.

[1641. 49.]

C H A P. II.

EXTRACT from the CHARTER of the PROVINCE of the *Massachusetts-Bay*, in *New-England*.

SECT. I. *WILLIAM* and *MARY*, by the Grace of GOD, King and Queen of *England*, *Scotland*, *France* and *Ireland*, Defenders of the Faith, &c. To all to whom these Presents shall come,

GREETING.

WE do by these Presents, for us, our heirs and successors, will and ordain, That the Territories and Colonies commonly called or known by the names of the Colony of the *Massachusetts-Bay*, and Colony of *New-Plymouth*, the Province of *Main*, the Territory called *Accada*, or *Nova-Scotia*; and all that tract of land lying between the said Territories of *Nova-Scotia*, and the said Province of *Main*, be erected, united and incorporated: And we do by these Presents unite, erect and incorporate the same into one real Province by the name of our Province of the *Massachusetts-Bay*, in *New-England*; and of our especial grace, certain knowledge, and mere motion,

K. Wm. and Q. Mary unite the *Massachusetts*, *New-Plymouth* and the Province of *Main* and *Nova-Scotia*, &c. into one real Province.

we

And grant to the inhabitants all those lands herein bounded and described.

we have given and granted, and by these Presents, for us, our heirs and successors, do give and grant unto our good subjects, the inhabitants of our said Province or Territory of the *Massachusetts-Bay*, and their successors, all that part of *New-England* in *America*, lying and extending from the Great River commonly called *Monomack*, alias *Merimack*, on the north part, and from three miles northward of the said River to the *Atlantick*, or Western Sea or Ocean on the south part, and all the lands and hereditaments whatsoever, lying within the limits aforesaid, and extending as far as the outermost points or promontories of land called *Cape-Cod* and *Cape-Malabar* north and south, and in latitude, breadth, and in length and longitude, of and within all the breadth and compass aforesaid throughout the main land there, from the said *Atlantick* or Western Sea and Ocean, on the east part, towards the South Sea, or westward as far as our colonies of *Rhode-Island*, *Connecticut*, and the *Narragansett Country*: And also all that part and portion of main land, beginning at the entrance of *Piscataway-Harbour*, and so to pass up the same into the river of *Newichwannock*, and through the same into the furthest head thereof, and from thence north-westward, till one hundred and twenty miles be finished, and from *Piscataway-Harbour* mouth aforesaid north-eastward along the sea-coast to *Sagadehock*, and from the period of one hundred and twenty miles aforesaid to cross over land to the one hundred and twenty miles before reckoned, up into the land from *Piscataway-Harbour* through *Newichwannock-River*, and also the north half of the Isles of *Shoals*, together with the Isles of *Capawock* and *Nantuckett*, near *Cape-Cod* aforesaid, and also the lands and hereditaments lying and being in the country or territory commonly called *Accada*, or *Nova-Scotia*, and all those lands and hereditaments lying and extending between the said country or territory of *Nova-Scotia*, and the said River of *Sagadehock*, or any part thereof; and all lands, grounds, places, soils, woods and wood-grounds, havens, ports, rivers, waters, and other hereditaments and premises whatsoever, lying within the said bounds and limits aforesaid, and every part and parcel thereof: And also all islands and islets lying within ten leagues directly opposite to the main land within the said bounds: And all mines and minerals, as well royal mines of gold and silver, as other mines and minerals whatsoever in the said lands and premises, or any part thereof. *To have and to hold*, the said territories, tracts, countries, lands, hereditaments, and all and singular other the premises, with their and every of their appurtenants to our said subjects, the inhabitants of our said Province of the *Massachusetts-Bay*, in *New-England*, and their successors, to their only proper use and behoof for evermore, *To be holden* of us, our heirs and successors, as of our manor of *East-Greenwich*, in the county of *Kent*, by fealty only in free and common socage.

SECT.

SECT. 2. *Provided nevertheless,* And we do for us, our heirs and successors grant and ordain, That all and every such lands, tenements and hereditaments, and all other estates, which any person or persons, or bodies politick or corporate, towns, villages, colleges or schools, do hold and enjoy, or ought to hold and enjoy, within the bounds aforesaid, by or under any grant or estate duly made or granted by any General Court formerly held, or by virtue of the letters patents herein before recited, or by any other lawful right or title whatsoever, shall be by such person and persons, bodies politick and corporate, towns, villages, colleges or schools, their respective heirs, successors and assigns forever, hereafter held and enjoyed, according to the purport and intent of such respective grant, under and subject nevertheless to the rents and services thereby reserved or made payable; any matter or thing whatsoever to the contrary notwithstanding.

All lands, hereditaments, &c. formerly granted to any town, college or school of learning, confirmed,

It being our further will and pleasure, That no grants or conveyances of any lands, tenements or hereditaments to any towns, colleges, schools of learning, or to any private person or persons, shall be judged or taken, to be avoided or prejudiced for, or by reason of any want or defect of form.

Grants or conveyances not prejudiced for want of form.

SECT. 3. That it shall and may be lawful for the said Governour and General Assembly to make or pass any grant of lands lying within the bounds of the Colonies formerly called the Colonies of the *Massachusetts-Bay*, and *New-Plymouth*, and Province of *Main*, in such manner as heretofore they might have done by virtue of any former charter or letters patents; which grants of lands within the bounds aforesaid, we do hereby will and ordain to be and continue forever of full force and effect, without our further approbation or consent. And so as nevertheless, and it is our royal will and pleasure, That no grant or grants of any lands lying or extending from the River of *Sagadehock* to the Gulf of *St. Laurence* and *Canada Rivers*, and to the Main Sea northward and eastward, to be made or past by the Governour and General Assembly of our said Province, be of any force, validity or effect, until we, our heirs or successors, shall have signified our or their approbation of the same.

The Gen. Court has power to pass any grants of land in *Massachusetts, Plymouth* or the Province of *Main*.

Grants of land between *Sagadehock* and *St. Laurence*, to have the royal approbation.

C H A P. III.

An ACT for the Settlement and Distribution of the Estates of Intestates.*

Revised, March 9, 1784.

SECT. 1. *BE it therefore enacted and ordained by the Governour, Council and Representatives convened in General Court or Assembly, and it is ordained by the authority of the same,* That every person lawfully seized of any lands, tenements or hereditaments,

* As to Estates intestates, not expressly repealed.

Revised,
Feb. 6, 1784.

Persons seized
of lands in fee
simple, may dis-
pose of the same
by will, &c.

hereditaments, within this Province, in his own proper right, in fee simple, shall have power to give, dispose and devise, as well by his last will and testament, in writing, as otherwise by any act executed in his life, all such lands, tenements and hereditaments to and among his children or others, as he shall think fit, at his pleasure : And if no such disposition, gift or devise be made by the owner of any such lands, tenements and hereditaments ; the same shall be subject to a division, with his personal estate, and be alike distributed, according to the rules herein after expressed for intestate estates.

Revised,
March 9, 1784.

Distribution of
intestate es-
tates.

SECT. 2. The Judge of Probate shall, and hereby is fully empowered to order and make a just distribution of the surplusage, or remaining goods and estate, as well real as personal, in manner following : *That is to say*, one third part of the personal estate to the wife of the intestate forever, besides her dower or thirds in the houses and lands during life, where such wife shall not be otherwise endowed before marriage ; and all the residue of the real and personal estate by equal portions to and among his children, and such as shall legally represent them ; (if any of them be dead) other than such children, who shall have any estate by settlement of the intestate in his life-time equal to the others shares. Children advanced by settlement, or portions not equal to the others shares, to have so much of the surplusage as shall make the estate of all to be equal, except the eldest son then surviving, (where there is no issue of the first-born, or of any other eldest son) who shall have two shares, or a double portion of the whole ; and where there are no sons, the daughters shall inherit as coparceners. The division of the houses and lands to be made by five sufficient freeholders upon oath, or any three of them, to be appointed and sworn by the Judge for that end : Unless where all the parties interested in any estate being legally capable to act, shall mutually agree of a division among themselves, and present the same, in writing, under their hands and seals : In which case, such agreement shall be accepted and allowed for a settlement of such estate, and be accounted valid in law, being acknowledged by the parties subscribing before the Judge, and put upon record.

Revised,
March 9, 1784.

Houses & lands
not capable of
division, to be
ordered unto
the eldest son,
he paying out
proportionable
parts to the
other children.

Provided nevertheless, That where any estate in houses and lands cannot be divided among all the children, without great prejudice to, or spoiling of the whole ; being so represented, and made to appear unto the said Judge, the Judge may order the whole unto the eldest son, if he accept it, or to any other of the sons successively, upon his refusal : he paying unto the other children of the deceased, their equal and proportionable parts or shares of the true value of such houses and lands ; upon a just appraisement thereof, to be made by three sufficient freeholders upon oath, to be appointed and sworn as aforesaid, or giving good security to pay the same in
some

some convenient time, as the said Judge shall limit, making reasonable allowance in the interim, not exceeding *six per cent. per annum*. And if any of the children happen to die before he or she come of age, or be married; the portion of such child deceased shall be equally divided among the survivors.

And in case there be no children, nor any legal representatives of them, then one moiety of the personal estate shall be allotted to the wife of the intestate forever; and one third of the real estate for term of life. The residue both of the real and personal estate, equally to every of the next of kin of the intestate, in equal degree, and those who legally represent them. No representatives to be admitted among collaterals after brothers and sisters children. [Passed in *October, 1692.*]

SECT. 3. *And further it is enacted by the authority aforesaid,* That the proprietors of the undivided or common lands, within each town and precinct in this Province, where the same have been heretofore stated, each one's proportion being known, shall and hereby are impowered to order, improve or divide, in such way and manner as shall be concluded and agreed upon by the major part of the interested; the voices to be collected and accounted according to the interests. And the proprietors of all undivided or common lands not stated and proportioned as aforesaid, shall and hereby are impowered to manage, improve, divide or dispose of the same, as hath been, or shall be concluded and agreed on by the major part of such proprietors. That no cottage or dwelling-place, in any town, shall be admitted to the privilege of commonage of woods, timber and herbage, or any other the privileges which lie in common in any town or peculiar, other than such as were erected or privileged by the grant of such town or peculiar before the year one thousand six hundred sixty and one, or that have been since, or shall hereafter be granted by the consent of any town or peculiar. [Passed 1692.]

SECT. 4. *Be it therefore enacted by the Lieutenant-Governour, Council, and House of Representatives,* That the respective Judges of Probate, within this Province, be and hereby are directed and impowered within their several counties, when they make out their warrants for the division of any real estate of any person dying intestate, to and among his heirs, or for setting off the widow's thirds, where such estate or any part thereof lies in common or undivided with the real estate of any other person, to direct the Committee named in such warrant, first to sever and divide the said intestate estate from the estate with which it lies in common as aforesaid; the said Committee to be under oath for the faithful discharge of this trust; and the parties concerned on both sides to be timely notified to be present, if they see cause; and such division so made, and accepted by the Judge, and duly recorded in the Register's office for the same county, shall be binding on all persons concerned.

Revised,
Mar. 9, 1784.

In case there be no children nor legal representative of them, the estate to be allotted to the wife and next of kin.

Revised,
Mar. 10, 1784.

Certain undivided lands, how to be improved and divided.

Judges of Probate power as to the division & distribution of intestate estates.

Provisos.

Provided, That where any minors or persons *non-compos*, are interested in either of said estates, guardians shall be appointed over them before any such division is made. *Provided also*, That before the order for such division issue, it be made appear to the respective Judges of Probate, that the several persons interested in such estate, if living within the Province, or the Attorneys of such as are absent and have Attorneys residing within this Province, have been duly notified of such petition, and have had opportunity to make their exceptions to the same. [Passed 1760, and continued in force till revised, in 1784.]

Limitation.

Revised,

Mar. 16, 1784.

Partition of lands betwixt coparceners, &c. to be forced by the common law.

SECT. 5. *Be it enacted by the Governour, Council and Representatives, convened in General Court, and by the authority of the same*, That all persons having or holding, or that hereafter shall have or hold any lands, tenements or hereditaments, as coparceners, joint-tenants, or tenants in common, may be compelled, by writ of partition at the common law, to divide the same; where the parties cannot agree to make partition thereof by themselves.

Provided.

Provided, This Act shall not be understood to repeal or any ways alter any clause or clauses in the Act *For regulating of Townships*, referred to undivided or common lands. [Passed 1693.]

CHAP. IV.

Revised,

Mar. 10, 1784.

An ACT for Prevention of Frauds and Perjuries.

FOR prevention of many fraudulent practices which are commonly endeavoured to be upheld by perjury, and subornation of perjury :

Parole leases & interest of freehold, shall have the force of estates at will only :

SECT. 1. *Be it enacted and ordained by the Governour, Council and Representatives, convened in General Court, and by the authority of the same*, That from and after the last day of *December*, in this present year, one thousand six hundred ninety and two : All leases, estates, interests of freehold, or term of years, or any uncertain interest of, in, or out of any messuages, lands, tenements, or hereditaments, made or created by livery and seisin only, or by parole, and not put in writing and signed by the parties so making or creating of the same, or their agents thereunto lawfully authorized by writing, shall have the force and effect of leases, or estates at will only, and shall not, either in law or equity, be deemed or taken to have any other or greater force or effect; any consideration for making any such parole leases or estates, or any former law or usage to the contrary notwithstanding.

Except leases not exceeding 3 years, &c.

Except nevertheless, All leases not exceeding the term of three years from the making thereof, whereupon the rent reserved to the landlord, during such term, shall amount unto

two

two third parts, at the least, of the full improved value of the thing demised.

And moreover, That no leases, estates or interests, either of freehold, or term of years, or any uncertain interest of, in, to or out of any messuages, lands, tenements or hereditaments, shall at any time after the said last day of *December*, be assigned, granted or surrendered, unless it be by deed or note, in writing, signed by the party so assigning, granting or surrendering the same, or their agents thereunto lawfully authorized by writing, or by act and operation of law.

Revised,
Mar. 10, 1784.

No leases or estates of freehold to be granted or surrendered by word.

SECT. 2. *And be it further enacted by the authority aforesaid*, That from and after the said last day of *December*, all devises and bequests of any lands or tenements, shall be in writing, and signed by the party so devising the same, or by some other person in his presence, and by his express direction, and shall be attested and subscribed in the presence of the said devisor, by three or four credible witnesses, or else shall be utterly void and of none effect.

Revised,
Feb. 6, 1784.

Devises of lands to be in writing, and attested by three or four witnesses.

And moreover, No devise, in writing, of lands, tenements or hereditaments, or any clause thereof, shall, at any time after the said last day of *December*, be revocable, otherwise than by some other will or codicil, in writing, or other writing declaring the same, or by burning, cancelling, tearing or obliterating the same by the testator himself, or in his presence, and by his direction and consent; (2) But all devises and bequests of lands and tenements shall remain and continue in full force until the same be burnt, cancelled, torn or obliterated by the testator, or his direction, in manner aforesaid, or unless the same be altered by some other will or codicil, in writing, or other writing of the devisor, signed in the presence of three or four witnesses, declaring the same: any former law or usage to the contrary notwithstanding.

Revised,
Feb. 6, 1784.

How the same shall be revocable.

SECT. 3. *And be it further enacted by the authority aforesaid*, That from and after the said last day of *December*, all declarations or creations of trusts, or confidences of any lands, tenements or hereditaments, shall be manifested and proved by some writing, signed by the party who is by law enabled to declare such trust, or by his last will, in writing, or else they shall be utterly void and of none effect.

Revised,
Mar. 10, 1784.

All declarations or creations of trusts, to be in writing.

Provided always, That where any conveyance shall be made of any lands or tenements, by which a trust or confidence shall or may arise or result by the implication or construction of law, or be transferred or extinguished by an act or operation of law, then, and in every such case, such trust or confidence shall be of the like force and effect as the same would have been if this Act had not been made; any thing herein before contained to the contrary notwithstanding.

Revised,
Mar. 10, 1784.

Trusts arising, transferred or extinguished by implication of law excepted.

SECT. 4 *And be it further enacted*, That all grants and assignments of any trust or confidence, shall likewise be in writ-

Revised,
Mar. 10, 1784.

Assignments of
trust shall be in
writing.

ing, signed by the party granting or assigning the same by such last will or devise, or else shall be utterly void and of none effect. [Passed *October*, 1692.]

C H A P. V.

An ACT for regulating the Assize of Cask, and preventing Deceit in packing of Fish, Beef and Pork, for Sale.

SECT. 1. *BE it ordained and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That from and after the first day of December next, all sorts and kinds of tight cask used for any liquor, fish, beef, pork, or any other commodities, within this their Majesties' Province, shall be of London assize. That is to say: Butts to contain one hundred and twenty-six gallons; Puncheons, eighty-four gallons; Hogsheads, sixty-three gallons; Tearfes, forty-two gallons; Barrels, thirty-one gallons and an half: And made of sound, well-seasoned timber, and free of sap. And that fit persons be appointed from time to time, in all places needful, to view and gage all such cask; and such as shall be found of due assize shall be marked with the Gager's mark; who shall have for his pains, Four-Pence per ton: And every Cooper shall set his distinct brand-mark on his own cask, on penalty of Forty Shillings. And whosoever shall put to sale any new cask, being defective either in workmanship, timber or assize, as aforesaid; upon proof thereof made before one Justice of the Peace, he shall forfeit such cask, and be fined the sum of Ten Shillings.*

SECT. 2. *And be it further enacted by the authority aforesaid, That the Justices of the Peace, at their first General Quarter Sessions, to be holden in each respective county within this Province, shall yearly, in every town needful thereof, choose and appoint a fit person or persons to be Gagers and Packers, and them to swear to the due execution of their office: which if any person so appointed shall refuse, he shall pay the sum of Forty Shillings; and another shall be chosen and appointed in his stead. And every Gager and Packer shall take care that all cask in which he packs beef, pork, mackerel, fish, or other goods committed to his care, be of true and full assize, and that he pack the same in no other cask whatsoever; on penalty of Ten Shillings for every cask by him packed, that is or shall be defective in that respect. And if any of the before mentioned provisions shall be packed into half barrels, or firkins, the same shall be made in proportion to the assize aforesaid, and be marked by the Packer.*

And for the preventing of fraud and deceit in the packing of pickled fish, beef and pork, to be put to sale:

SECT.

Assize of cask.

Gagers to be
appointed.
Cask to be
marked by
the Gager:
His fee.

Every Cooper
to have a dis-
tinct brand-
mark.

Defective cask
to be forfeited.

Quarter ses-
sions to appoint
Gagers and
Packers, and
swear them.

Penalty of
refusal:

Ten Shillings
penalty for
packing in any
cask under size.

SECT. 3. *Be it further enacted by the authority aforesaid,* That in every town where such goods are packed up for sale, the Gager or Packer of such town, or of the town wherein they are put to sale or shipped, shall see that it be well and orderly performed: *That is to say,* Beef and pork the whole half and quarter, and so proportionably, that the best be not left out; and so fish and mackerel, that they be packed all of one kind; and that all casks so packed be full, and the fish sound and well seasoned, setting his seal on all casks so packed; and he shall receive of the owners, for so packing and sealing, *Four Shillings* per ton. And if any such provisions be put to sale, or shipped off without the packer's mark, they shall be forfeited.

The whole $\frac{1}{2}$ and $\frac{1}{4}$ of meat, to be put up; and not the best left out.

Fish to be all of one kind.

Four Shillings per ton for packing and sealing.

SECT. 4. *And it is further enacted,* That all sorts of green or pickled fish, sturgeon or flesh, that shall be put up for transportation to a foreign market, shall be searched, surveyed and approved by a sworn Packer, who shall take strict care that the same be put up in tight cask of full gage, salted with suitable salt. And such as shall be so saved, and for its condition found merchantable and full, the Packer shall seal with such brand-mark as shall be assigned to the town, and such other cut-mark added, as may denote the sort of provision and time when packed. And all such other provision as the Packer shall find wholesome and useful, though for its quality it be not merchantable; he shall cause to be well packed, salted, filled and sealed with the letter R, and such other letters as may signify the town, specie, and time of packing. And if any master of a ship, or other vessel, or any officers, or mariners belonging thereto, shall receive such provisions not marked and sealed as aforesaid, aboard any of their ships or vessels, he or they who shall offend therein, shall forfeit double the value of all such provisions; and he that owns the provisions shall forfeit the same. And if any Cooper, or other person shall shift any fish or flesh, either on board, or on shore, after the same hath been so sealed and marked by the Packer, and ship and export the same, the Packer having not allowed thereof, and anew sealed and marked the cask whereinto such provisions are shifted: All persons acting, ordering or assisting therein, shall be set in the pillory, not exceeding one hour, and shall likewise pay double damages to persons wronged thereby.

Fish and flesh for transportation, to be searched and repacked by the Packer.

Penalty on masters and mariners taking any provisions aboard unsealed.

Penalty for shifting of provisions after sealed.

SECT. 5. *And it is further enacted by the authority aforesaid,* That where any such provisions have lain above three months under the Packer's mark, betwixt the months of *May* and *October*, they shall again, upon exportation or sale, be viewed or searched by the Packer, *That is to say,* so many of them as may probably discover the condition of the whole; and if any be decayed or deceitfully dealt with, the Packer shall cull and repack the same, so as to distinguish and mark them for merchantable, or refuse, according to their condition. And if

Provisions that have laid three months packed in the summer, to be reviewed.

those

those who ship or export any such provision, shall neglect or refuse such second search or survey, the Packer is hereby ordered and impowered to deface his former mark, and for so doing, shall be paid as if he had repacked the same. And if the owner refuse to satisfy the Packer, such Packer shall have redress on complaint to any Justice of the Peace; who is hereby impowered to compel the payment thereof by distress.

Affize of cask
for tarr.

SECT. 6. *And it is further enacted by the authority aforesaid,* That all Tarr that shall be exposed to sale within this Province, shall be in barrels, half barrels, and thirds of a barrel, of the measure and affize following: *That is to say,* The barrel to contain thirty gallons, the half barrel and third of a barrel, of the same gage proportionably, and in no other cask whatsoever. And all cask to be made of the same affize, and branded by the Cooper as aforesaid; on pain of forfeiture of all such cask as are not of due affize. And if any Tarr shall be exposed to sale in any cask not branded as aforesaid, the same shall be likewise forfeited.

One half the
fines and for-
feitures to be to
their Majesties,
the other half
to the inform-
er.

SECT. 7. *And further it is enacted by the authority aforesaid,* That all fines, penalties and forfeitures arising by force and virtue of this Act, shall be the one half to their Majesties, towards the support of the government of this Province, and the other half to him or them that shall inform and sue for the same in any of their Majesties' Courts of Record within this Province.

Measurer of
Salt and Culler
of Fish.

SECT. 8. *Be it further enacted by the authority aforesaid,* That there be a Measurer of Salt and Culler of Fish in every seaport town within this Province, to be appointed as aforesaid, who, being likewise sworn for the faithful discharge of that office, shall cull all merchantable Fish, and measure all Salt that shall be imported and sold out of any ship or other vessel; and shall have *Three Half Pence* for every hoghead of Salt by him so measured, to be paid, the one half by the buyer, the other half by the seller. And *One Penny* per quintal for ever quintal of merchantable Fish by him culled, to be paid, one half by the buyer, the other half by the seller.

Fees.

[This Act passed 1692, and appears to be repealed, Nov. 9, 1784, as to flax-seed, pot-ash, pearl-ash, beef, pork, barreled fish and dried fish.—Not revised.]

C H A P. VI.

C H A P. VII.

C H A P. VIII.

An ACT for the establishing of Forms of Oaths.

BE it declared and enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That the several forms of Oaths here underwritten, be and are hereby established : To be given and administered unto the respective Officers for whom they are appointed, as followeth :

YOU shall well and truly try, and true deliverance make between our Sovereign Lord and Lady the King and Queen, and the prisoners at the bar, whom you shall have in charge, according to your evidence. *So help you GOD.* Petit-Jurors Oath.

YOU swear, That in all causes betwixt party and party, that shall be committed unto you, you will give a true verdict therein according to law, and the evidence given you. *So help you GOD.* Jurors Oath in civil causes.

YOU swear, That in the office of Town-Clerk, within the town of *B—*, whereto you are chosen, you will diligently and faithfully attend and discharge the duty of your place, and duly observe the directions of the law in all things whereto your office hath relation, and thereby committed to your care and trust. *So help you GOD.* Town-Clerk's Oath.

YOU swear, That you will, from time to time, diligently and faithfully discharge and execute the office of *—* within the limits whereto you are appointed for the ensuing year, and until another be chosen in your place ; and that in and by all the particulars mentioned in the laws whereto your office hath relation ; and that you will do therein impartially according to law, without fear or favour. *So help you GOD.* Oath of Leather-Sealer ; Clerk of the Market, Culler of Fish, Pack-er, Gager, *Mutatis mutandis.*

[Passed 1692. Not revised.]

C H A P. IX.

An ACT for Highways.

SECT. 1. *BE it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That where a new Highway or common Road from twon to town, or place to place shall be wanting, and where old Ways with more conveniency may be turned or altered ; upon application made to the Justices in Quarter Sessions within the same county, the said Court may appoint a committee of two or three sufficient freeholders of the next towns who shall have most occasion of the said Way, to enquire into the necessity and conveniency thereof, and to make their* Revised, Feb. 27, 1787. Quarter Sessions to give order for laying out new Highways, or altering old ones.

their report thereon ; and being judged to be of common necessity or conveniency, the Justices of the said Court shall order a warrant to the Sheriff or his deputy, to summon a Jury out of the next towns, to meet at some convenient day and place therein mentioned, to view and lay out such Highways or Roads, who shall have an oath administered unto them by a Justice of Peace, to lay out such Way according to the best of their skill and judgment, with most conveniency to the publick, and least prejudice or damage to any particular person ; which having done, the Sheriff or his deputy is to make return thereof at the next Court of Quarter Sessions of the county where the same Way is, as well under his own as the hands of the Jurors by whose oath the same is laid out ; to the end the same may be allowed and recorded, and after known for a publick Highway.

Selectmens
power to lay
out private
Ways.

Recompence
for damage.

SECT. 2. *And be it further enacted*, That the Selectmen of each town respectively be and are hereby impowered, by themselves or others whom they shall appoint, to lay out, or cause to be laid out, particular and private Ways for such town only, as shall be thought necessary ; so as no damage be done to any particular person in his land or propriety without due recompence to be made by the town, as the Selectmen and the party interested may agree ; or as shall be ordered by the Justices in Quarter Sessions, upon enquiry into the same by a Jury to be summoned for that purpose. [Passed 1693.]

ADDITIONAL ACT.

WHEREAS in and by the said Act, the Selectmen of each town respectively, within this Province, are thereby impowered, by themselves or others, to lay out, or cause to be laid out, only such particular and private Ways, as may be judged necessary for their respective towns.

And whereas it may and does often happen, that the lands of particular persons or proprietors may be and are so situated and circumstanced as to make or render a particular or private Way for the use of such person or proprietor of absolute necessity ; which is not provided for in and by the said Act :

Revised,
Feb. 27, 1787.

Selectmen to
lay out partic-
ular or private
Ways.

SECT. 3. *Be it therefore enacted by His Excellency the Governor, Council and Representatives, in General Court assembled, and by the authority of the same*, That the Selectmen of each town respectively, are hereby impowered, by themselves or others whom they shall appoint, to lay out, or cause to be laid out, particular or private Ways between any of the inhabitants or proprietors, within their respective towns, as shall be thought necessary, to or for any and every original lot laid out, or to be laid out in and by any town or proprietors, so as no damage be done to any particular person or his propriety without due recompence to be made either by the town, if concerned, or such of the inhabitants or proprietors who desire and reap the benefit

benefit of the same ; as the Selectmen and parties concerned may agree ; or otherwise, as shall be ordered by the Justices of the Court of General Sessions of the Peace, as in and by the said Act is already directed and provided for.

And whereas it hath been (and may yet be) found by experience, that the Selectmen of many towns within this Province, through relation or other interest, have so very much delayed ; and at other times absolutely refused to lay out, or cause to be laid out, particular or private Ways, for or within their several towns when thereunto desired, and the same have been really necessary ; which hath been to the very great damage and grievance of persons concerned :

SECT. 4. *Be it therefore further enacted by the authority aforesaid,* That when and so often as the Selectmen of any of the towns within this Province, shall unreasonably delay or refuse to lay out, or cause to be laid out, any such particular or private Ways as aforesaid, to any such original lot or lots as aforesaid, being thereunto desired by one or more of the inhabitants or proprietors of land within their towns respectively ; that then, and in such case, her Majesty's Justices of the Peace, within the several counties of this Province, at any of their General Sessions, may, and are hereby impowered, by a committee whom they shall appoint, to lay out, or cause to be laid out, such particular or private Ways, within or for such town ; or for or between any of the inhabitants thereof, to or for any such original lot or lots, as aforesaid ; so as no damage be done to any particular person in his land or propriety, without due recompence to be made either by the town, if it be of general benefit ; otherwise by such of the inhabitants as have the benefit of such particular or private Way, as shall be ordered by the Justices in their Sessions as aforesaid, upon inquiry into the same, by a Jury to be summoned for that purpose ; any law, usage or custom to the contrary notwithstanding. [Passed 1713.]

Revised,
Feb. 27, 1727.

Justices impowered, by a committee, to lay out particular or private Ways.

Recompence.

C H A P. X.

An ACT for the better Rule and Government of the Indians in their several Places and Plantations.

TO the intent that the Indians may be forwarded in civility and christianity ; and that drunkenness, and other vices be the more effectually suppressed amongst them :

SECT. 1. *Be it enacted and ordained by the Governour, Council and Representatives, in General Court assembled, and it is enacted by the authority of the same,* That His Excellency the Governour, by and with the advice and consent of the Council, may, and is hereby impowered to appoint and commissionate one

Commissioners to be appointed in several parts, to have the more particular care and government of the Indians.

one or more discreet persons, within several parts of this Province, to have the inspection and more particular care and government of the Indians in their respective plantations; and to have, use and exercise the power of a Justice of the Peace over them, in all matters civil and criminal; as well for the hearing and determining of pleas betwixt party and party, and to award execution thereon; as for the examining, hearing and punishing of criminal offences, according to the Acts and Laws of the Province, so far as the power of a Justice of Peace does extend: As also to nominate and appoint Constables, and other proper and necessary officers amongst them.

Penalty for selling strong drink to Indians.

SECT. 2. *And be it further enacted by the authority aforesaid,* That no person or persons whosoever shall, directly or indirectly, sell, truck, barter or give to any Indian any strong beer, ale, cyder, perry, wine, rum, brandy, or other strong liquors, by what name or names soever called or known; on pain of forfeiting the sum of *Forty Shillings* for every pint; and proportionably for any greater or lesser quantity so sold, trucked, bartered, given or delivered to any Indian, directly or indirectly, as aforesaid; upon conviction thereof before a Justice of the Peace, where the penalty does not exceed *Forty Shillings*; and if it exceed that sum, at the Sessions of the Peace to be holden for the same county where the offence is committed: one moiety of all such forfeitures to be unto their Majesties, for and towards the support of the government; and the other moiety to him or them that shall inform and prosecute the same, by bill, plaint or information. And if the offender be unable, or shall not forthwith pay and satisfy the said penalty or forfeiture, then to be committed to the gaol of the county; there to remain until he pay and satisfy the same, or suffer two months imprisonment.

Proviso.

Provided, This Act shall not be intended or extend, to restrain any act of charity for relieving any Indian (*bona fide*) in any sudden exigent or faintness or sickness, not to exceed one or two drams; or by prescription of some physician, in writing, or by the allowance of a Justice of Peace.

And for the better discovery of such ill-disposed persons, who, through greediness of filthy lucre, shall privately sell, or deliver strong liquors, or strong drink to any Indian or Indians: (of which it is difficult to obtain positive evidence, other than the accusation of such Indian or Indians:) And to the intent that murders, and other outrages frequently occasioned thereby, may be prevented:

Indian accusation, with concurring circumstances, to amount to a conviction:

SECT. 3. *It is ordained and enacted,* That the accusation and affirmation of any Indian, with other concurring circumstances, amounting to an high presumption, in the discretion of the Court, or Justices, who have cognizance of the case; (the accuser and the accused being brought face to face at the time of trial) shall be accounted and held to be a legal conviction

tion of the person so accused, of giving, selling or delivering wine, rum, or any other strong drink or liquors to such Indian; unless the party accused shall acquit him or herself thereof upon oath; which the Court or Justice respectively are hereby impowered to require, and administer unto the person accused, in form following: *That is to say,*

YOU, *A. B.* do swear, that neither yourself, nor any other by your order, general or particular assent, privity, knowledge or allowance, directly or indirectly, did give, sell or deliver any wine, cyder, rum or other strong liquors or drink, by what name or names soever called or known, unto the Indian by whom and whereof you are now accused. *So help you GOD.*

Form of the Oath.

SECT. 4. *And further it is enacted,* That it shall and may be lawful to and for any person or persons to seize any wines, strong liquors or cyder which he or they may find in the custody of any Indian, not obtained by allowance as aforesaid; (other than cyder made of fruit of their own growth) and to deliver the same unto the Constable, or one or more of the Selectmen of the town where the same shall be seized; to and for the use of the poor of such town; and to apprehend such Indian, and to cause him or her to be conveyed before the next Justice of the Peace, to be examined where, and of whom they had such strong drink.

Strong drink found with Indians, to be seized.

And every Indian convicted of drunkenness, shall suffer and pay, unto the use of the poor of the town or place where such offence is committed, the sum of *Five Shillings*; or else be openly whipped by the Constable of such town or place, or some other that he shall procure, not exceeding ten lashes, as the Justice of Peace before whom such conviction is, shall determine. [Passed 1693. Not revised.]

Penalty for Indians convicted of drunkenness.

CHAP. XI.

An ACT for the Relief of Idiots and distracted Persons.

BE it enacted by the Governour, Council and Representatives, in General Court assembled, and by the authority of the same,

That where the estate of any such person consists of housing or land; in every such case, the Justices of the Superiour Court of Judicature, upon application to them made, may, and hereby are impowered to license and authorize the Selectmen or Overseers of the town or place whereto such person belongs, or such others as the said Justices shall think fit, to make sale of such housing or land; the produce thereof, upon sale, to be secured, improved and employed to and for the use, relief

The Justices of the Supe. Court to license the sale of housing or land of distracted persons, in case.

relief and safety of such impotent or distracted person (as the said Justices shall direct) as long as such person shall live; or until he or she be restored to be of sound mind: And the overplus (if any be) to and for the use of the next and right heirs of such party.

And the like power and authority is hereby granted unto the Justices of the Superior Court, with reference to any person or persons now under distraction, or *non-compos-mentis*, as well for the satisfying of the charges already past, as for what may be future, for the support, relief and safety of any such person. [Passed 1694. Revised.]

C H A P. XII.

C H A P. XIII.

Revised,
Mar. 4, 1784.

An ACT for making of Lands and Tenements liable to the Payment of Debts.

Preamble.

WHEREAS the estates of persons within this Province do chiefly consist of houses and lands, which give them credit, some being remiss in paying of their just debts, and others happening to die before they have discharged the same:

Revised,
Mar. 17, 1784.

Lands and tenements liable to execution.

SECT. I. *Be it therefore enacted and ordained by the Lieutenant-Governour, Council and Representatives, in General Court assembled, and by the authority of the same,* That all lands or tenements belonging to any person in his own proper right in fee, shall stand charged with the payment of all just debts owing by such person, as well as his personal estate, and shall be liable to be taken in execution for satisfaction of the same, where the debtor or his attorney shall not expose to view and tender to the officer personal estate sufficient to answer the sum mentioned in the execution, with the charges.

Revised,
Mar. 17, 1784.

Execution duly served and recorded, to make a good title.

And all executions duly served upon any such houses and lands, being returned into the Clerk's office of the Court out of which the same issued and there recorded, shall make a good title to the party for whom they shall be so taken, his heirs and assigns forever. Also where the goods and chattels belonging to the estate of any person deceased shall not be sufficient to answer the just debts which the deceased owed, or legacies given; upon representation thereof, and making the same to appear unto the Superior Court of Judicature holden for or within the county where such deceased person last dwelt; the said Court are hereby empowered to license and authorize the executor or administrator of such estate to make sale of

all

all or any part of the houses and lands of the deceased, so far as shall be necessary to satisfy the just debts which the deceased owed at the time of his death; and legacies bequeathed in and by the last will and testament of the deceased. And every executor or administrator being so licensed and authorized as aforesaid, shall and may, by virtue of such authority, make, sign and execute, in due form of law, deeds and conveyances for such houses and lands as they shall so sell; which instruments shall make a good title to the purchaser, his heirs and assigns forever.

Justices of the Superior Court empowered to license the sale of lands, &c.

Provided nevertheless, That any debt or debts due to the Crown from any such estate, shall be first secured and paid out of the same.

Revised, June 15, 1784.

Debts due to the Crown, to be first paid.

SECT. 2. *And be it further enacted by the authority aforesaid,* That when any person or persons shall make sale or other alienation of any lands or tenements to him of right belonging, with intent to defeat and defraud his creditors of their just debts, not *bona fide*, for good and valuable considerations truly paid: All such sales and alienations are to be deemed covenantous and fraudulent, and shall be of no effect to bar any creditor from such debt as is to him owing. [Passed 1696.]

Not revised, in the Act of Mar. 10, 1784.

Fraudulent deeds to be void.

C H A P. XIV.

An ACT for registering of Deeds and Conveyances.

Revised, Mar. 10, 1784.

FOR the prevention of clandestine and uncertain sales of houses and lands: And to the intent it may be the better known what right, title or interest persons have in or to such estates as they shall offer to sale:

Preamble.

SECT. 1. *Be it enacted and declared by the Lieutenant-Governour, Council and Representatives, in General Court assembled, and by the authority of the same,* That henceforth all deeds or conveyances of any houses or lands within this Province, signed and sealed by the party or parties granting the same, having good and lawful right or authority thereto, and acknowledged by such granter or granters before a Justice of the Peace, and recorded at length in the registry of the county where such houses or lands do lie; shall be valid to pass the same, without any other Act or ceremony in the law whatsoever.

Deeds executed by signing, sealing, acknowledgment, and record, to be valid.

And that from and after three months next after publication of this Act, no bargain, sale, mortgage or other conveyance of houses or lands made and executed within this Province, shall be good and effectual in law to hold such houses or lands against any other person or persons, but the granter or granters, and their heirs only; unless the deed or deeds thereof be acknowledged and recorded in manner as is before expressed.

No bargain, sale, &c. made three months next after this Act to be good against any but the granter, without being acknowledged and recorded.

Provided,

Proof of a deed by witnesses, in case, to be equivalent to acknowledgment.

Provided nevertheless, That when and so often as it shall happen any granter to live in parts beyond sea, or to be removed out of this Province, or to be dead before any deed or conveyance, by him or her made, be acknowledged as aforesaid; in every such case, the proof of such deed or conveyance made by the oaths of two of the witnesses thereto subscribed before any Court of Record within this Province, shall be equivalent to the parties' own acknowledgement thereof.

Revised,
Mar. 10, 1784.

Saving for
dower.

Provided, That nothing in this Act shall be construed, deemed or extended to bar any widow of any vender or mortgager of lands or tenements, from her dower or right in or to such lands or tenements, who did not legally join with her husband in such sale or mortgage, or otherwise lawfully bar or exclude herself from such her dower or right.

How mortgages shall be discharged.

SECT. 2. *And it is further enacted by the authority aforesaid,* That any mortgagee of any lands or tenements, his or her heirs, executors or administrators having received full satisfaction and payment of all such sum and sums of money as are really due to him by such mortgage; shall, at the request of the mortgager, his heirs, executors or administrators, acknowledge and cause such satisfaction and payment to be entered in the margin of the record of such mortgage in the Register's office, and shall sign the same, which shall forever thereafter discharge, defeat and release such mortgage, and perpetually bar all actions to be brought thereupon in any Court of Record. And if such mortgagee, his or her heirs, executors or administrators shall not, within ten days next after request in that behalf made, and tender of his, her or their reasonable charges, repair to the Register's office, and there make and sign such acknowledgement as aforesaid, or otherwise sign and seal a discharge of the said mortgage, and release and quitclaim to the estate therein mentioned to be granted, and acknowledge the same before a Justice of Peace, he, she, or they so refusing, shall be liable to make good all damages for want of such discharge or release: to be recovered by action or suit in any Court of Record. And in case judgment pass against the party so sued, he, she or they so cast, shall pay unto the adverse party treble costs arising upon such suit.

Deeds executed according to former laws and usage, valid.

SECT. 3. *And be it further enacted and declared by the authority aforesaid,* That all deeds of bargain, sale or mortgage heretofore made and executed, according to former laws and usage, shall be valid and effectual. [Passed 1697.]

C H A P. XVI.

An ACT for hearing and determining of Cases in Equity.

SECT. 1. *BE it enacted by the Lieutenant-Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That in all cases where any mortgagee or vendee of any houses or lands granted on condition hath recovered, or entered into, and taken possession of the same for the condition broken, the mortgager or vender, or his heirs tendering payment of the original debt and damages, or such part thereof as was remaining unpaid at the time of entry, with reasonable costs and allowance for any disbursements afterwards laid out on such housing or lands for the advancement and bettering of the same, over and above what the rents, profits or improvements thereof made, shall amount unto, upon a just computation thereof by the Court, as on hearing of the parties shall be made to appear; the mortgagee or vendee, or his heirs, or the present tenant in possession (being the purchaser and holding in his own right) shall be obliged to accept such payment, and to restore and deliver possession of the estate unto the mortgager or vender, or his heirs, and seal, execute and acknowledge a good and sufficient deed in the law of release and quitclaim to the same. But in case of his not appearing in Court, or refusal to accept such payment tendered, the whole of the said monies which the Court shall enter judgment for, being left in custody of the Court on behalf, and for the use of the mortgagee or vendee, his heirs or assigns: judgment shall be entered up for the mortgager or vender, or his heirs, to recover possession of such houses or lands, and execution be accordingly awarded.*

Mortgagee & vendee to accept payment, & restore possession.

SECT. 2. *And further it is enacted, That at any time hereafter where the mortgagee or vendee shall be in actual possession of any estate granted on condition, it shall be in the liberty of the mortgager or vender, or his heirs, to bring his suit in manner as aforesaid, for redemption thereof, within the space of three years next after the term therein expired, and not afterward.* [Passed 1698.]

Revised, Nov. 4, 1785, and in 1799. Suit for redemption where the mortgage is in possession, to be brought in 3 years.

C H A P. XVII.

An ACT providing for Posthumous Children.

FORASMUCH as it often happens, that children are not born till after the death of their fathers; and also have no provision made for them in their wills:

Revised, Feb. 6, 1784.

Preamble,

Be

Posthumous
children to
have a pro-
portion, &c.

Be it therefore enacted by His Excellency the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That as often as any child shall happen to be born after the death of the father, without having any provision made in his will; every such posthumous child shall have right and interest in the estate of his or her father, in like manner as if he had died intestate; and the same shall accordingly be assigned and set out as the law directs for the distribution of the estates of intestates. [Passed 1700.]

C H A P. XVIII.

An ACT for preventing Abuses to the Indians.

WHEREAS some of the principal and best disposed Indians, within this Province, have represented and complained of the exactions and oppression, which some of the English exercise towards the Indians, by drawing them to consent to, covenant or bind themselves or children, apprentices or servants, for an unreasonable term; on pretence of, or to make satisfaction for some small debt contracted or damage done by them. For redress whereof:

No Indian to
be put out ap-
prentice, but by
the allowance
of two Justices.

SECT. 1. *Be it enacted and declared by His Excellency the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That from and after the publication of this Act, no Indian shall contract, or put or bind him or herself or child, apprentice or a servant, to any of His Majesty's subjects, for any time or term of years, but by and with the allowance and approbation of two or more of His Majesty's Justices of the Peace; who are required to take special care that the contract or covenant so to be made, and the condition or terms thereof, be equal and reasonable; both with respect to the time for service, and otherwise.*

Sessions of the
Peace, to hear
and relieve such
as are aggrieved.

SECT. 2. *And be it further enacted by the authority aforesaid, That the Justices of the General Sessions of the Peace, within the respective counties, be and hereby are impowered, upon complaint made by any Indian native of this country, that is or shall be aggrieved by reason of any indenture, covenant or agreement heretofore made for any time or term of service, not yet expired; to hear and relieve such Indian, according to justice and equity; and to regulate and order the time for such service, as they shall judge reasonable. [Passed 1700. Not revised.]*

C H A P. XIX.

CHAP. XX.

An ACT for the better making and measuring of Malt.

SECT. 1. *BE it declared and enacted by the Lieutenant-Governour, Council and Representatives, in General Court*

assembled, and by the authority of the same, That from and after the publication of this Act, no Maltster or Malt-maker shall deliver, vend or pass away any Malt by him made or caused to be made, before the same be well dried and cleansed, by screening of it from the dust and taile which arises in the making, drying and ordering of it in his hands; on pain of forfeiting *Twelve Pence* per bushel, for each bushel by him delivered, sold or passed away, not being so cleansed and dried; upon conviction thereof before one or more Justices of the Peace, where the forfeiture shall not exceed the sum of *Forty Shillings*; or if above, before the General Sessions of the Peace holden within the county: One moiety of such forfeiture to be unto the use of the poor of the town where the offence is committed; and the other moiety to him or them that shall complain or inform and sue for the same. And such Court or Justice, respectively, are hereby impowered, in case such Maltster shall stand to justify that his Malt is well dried and cleansed as aforesaid, to nominate and appoint three or more credible, skilful persons, to view and judge thereof upon their oaths; and to administer an oath to them to be indifferent and impartial therein.

Malt to be well dried & cleansed.

Penalty.

To be viewed and judged of by persons on oath.

And no Malt made of barley shall be accounted merchantable, but such as shall be well cleansed from the dust, oats, tares and cockle.

Merchantable Malt.

And every person that shall offer and expose to sale any Barley Malt, for merchantable, not being cleansed as aforesaid, shall forfeit and pay the sum of *Twelve Pence* a bushel, for each bushel so offered or exposed to sale; being thereof convicted in manner as is herein before provided, to be applied to the use before mentioned.

Penalty for offering to sale unmerchantable Malt.

SECT. 2. *And further it is enacted,* That every master of any vessel that shall receive on board his vessel any Malt to be transported to a market, shall take effectual care, and make sufficient provision for the keeping of merchantable Malt separate and apart by itself, that it be not intermixt with what is unmerchantable; on pain of losing and forfeiting the value of all the freight to be paid for the Malt so mixed; to the use of the poor of the town where such Malt shall be delivered, upon conviction thereof as aforesaid: And shall be further liable to make good to the shipper or owner of all such merchantable Malt, mixt as aforesaid, all loss and damage that he shall sustain thereby: to be recovered by action therefor, to be brought in any of His Majesty's Courts within this Province;

Masters of vessels to take care to keep merchantable and unmerchantable Malt separate.

and where the sum exceeds not the value of *Forty Shillings*, before one Justice of the Peace.

SECT. 3. *And be it further enacted by the authority aforesaid,* That in the measuring of Malt, the strike shall be carried softly and sawing; any law, usage or custom to the contrary notwithstanding. [Passed 1700. Not revised.]

Malt, how to be measured.

CHAP. XXI.

An ACT directing the Admission of Town Inhabitants.

BE it enacted by the Lieutenant-Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That from and after the publication of this Act, no person whatsoever coming to reside or dwell within any town in this Province (other than freeholders or proprietors of land in such town, or those born, or that have served an apprenticeship there, and have not removed and become inhabitants elsewhere) shall be admitted to the privilege of elections in such town (though otherwise qualified) unless such person shall first make known his desire to the Selectmen thereof, and obtain their approbation, or the approbation of the town for his dwelling there.

Persons not orderly admitted into towns, shall not enjoy privileges of elections.

No town obliged to be at the charge for relief of persons not approved as aforesaid; Unless, &c.

Nor shall any town be obliged to be at charge for the relief and support of any person residing in such town (in case he or she stand in need) that are not approved as aforesaid; unless such person or persons have continued their residence there by the space of twelve months next before, and have not been warned in manner as the law directs, to depart and leave the town; any law, usage or custom to the contrary notwithstanding. [Passed 1700. Revised.]

CHAP. XXII.

An ACT to prevent and make void clandestine and illegal Purchases of Lands from the Indians.

Preamble.

WHEREAS the government of the late Colonies of the *Massachusetts-Bay* and *New-Plymouth*; to the intent the native Indians might not be injured or defeated of their just rights and possessions, or be imposed on and abused in selling and disposing of their lands; and thereby deprive themselves of such places as were suitable for their settlement and improvement: *Did by an Act and Law passed in the said Colonies respectively many years since, inhibit and forbid all persons purchasing any lands of the Indians, without the license and approbation of the General Court.* Notwithstanding which, sundry persons,

sons, for private lucre, have presumed to make purchases of lands from the Indians, not having any license or approbation as aforesaid for the same, to the injury of the natives, and great disquiet and disturbance of many of the inhabitants of this Province in the peaceable possession of their lands and inheritances lawfully acquired. Therefore, for the vacating of such illegal purchases, and preventing of the like for the future :

SECT. I. *Be it enacted and declared by the Lieutenant-Governour, Council and Representatives, in General Court assembled, and by the authority of the same,* That all deeds of bargain, sale, lease, release or quitclaim, titles and conveyances whatsoever, of any lands, tenements or hereditaments within this Province, as well for term of years, as forever, had, made, gotten, procured or obtained from any Indian or Indians by any person or persons whatsoever, at any time or times since the year of our Lord one thousand six hundred thirty-three, without the license or approbation of the respective General Courts of the said late Colonies, in which such lands, tenements or hereditaments lay ; and all deeds of bargain and sale, titles and conveyances whatsoever, of any lands, tenements or hereditaments within this Province, that since the establishment of the present government, have been, or shall hereafter be had, made, obtained, gotten or procured from any Indian or Indians, by any person or persons whomsoever, without the license, approbation and allowance of the Great and General Court or Assembly of this Province for the same, shall be deemed and adjudged, in the law, to be null, void, and of none effect.

All deeds of bargain, sale, &c. from Indians, without license, vacated.

Provided nevertheless, and it is notwithstanding hereby enacted and declared, That all such purchases, releases and titles heretofore had or obtained from any Indian or Indians, by any town or person whatsoever, of any lands or hereditaments which such town or person also hold and enjoy, by virtue of any grant or title made or derived by or from the General Court of either of the Colonies aforesaid : And all releases, purchases, conveyances and titles which any town or person shall hereafter make, procure or obtain of any Indian or Indians, for any lands, tenements or hereditaments granted, or that shall be granted by the General Court to such town or person before such purchase or title made or obtained from any Indian or Indians, shall be and hereby are excepted out of this Act, and be held for good and valid in the law ; any thing herein contained notwithstanding.

Proviso for towns or persons having title derived from the General Court.

Provided also, That if any person or persons or town, in this Province, to the eastward of *Piscataqua-River*, have heretofore purchased or obtained any Indian deed or title for any lands, tenements or hereditaments in those parts ; or if any person or persons have heretofore purchased or obtained any Indian deed or title for any lands, tenements or hereditaments in the island of *Caparwick, alias Martha's-Vineyard*, or the de-

Saving for lands lying eastward of *Piscataqua-River*, at *Martha's-Vineyard & Nantucket.*

pendencies thereof, now known by the name of *Dukes'-County*, or in the island of *Nantucket*, for further confirmation of their other lawful titles and possessions : This Act, or any thing therein contained, shall not extend, or be construed to extend, in any wise, to vacate or make void such Indian deed or title ; any thing herein contained to the contrary notwithstanding.

Penalty on persons that shall make purchases without license.

SECT. 2. *And be it further enacted by the authority aforesaid,* That if any person or persons whatsoever, shall, after the publication of this Act, presume to make any purchase, or obtain any title from any Indian or Indians, for any lands, tenements or hereditaments, within this Province, contrary to the true intent and meaning of this Act ; such person or persons so offending, and being thereof duly convicted in any of His Majesty's Courts of Record, within this Province, shall be punished by fine and imprisonment, at the discretion of the Court where the conviction shall be ; not exceeding double the value of the land so purchased, nor exceeding six months' imprisonment.

Leases of land from the Indians, to be approved by the Court of Sessions of the Peace.

SECT. 3. *And be it further enacted by the authority aforesaid,* That all leases of land that shall at any time hereafter be made by any Indian or Indians for any term or terms of years, shall be utterly void and of none effect ; unless the same be made by and with license first had and obtained from the Court of General Sessions of the Peace in the county where such lands lie.

Proviso for sale from Indian to Indian.

Provided nevertheless, That nothing in this Act shall be taken, held or deemed in any wise to hinder, defeat or make void any bargain, sale or lease of land made by one Indian to another Indian or Indians. [Passed 1701. Not revised.]

C H A P. XXIII.

C H A P. XXIV.

An ACT relating to Molatto and Negro Slaves.

Preamble.

WHEREAS great charge and inconveniences have arisen to divers towns and places, by the releasing and setting at liberty Molatto and Negro Slaves. For prevention whereof for the future :

Security to be given for Molattoes or Negroes set free.

Be it declared and enacted by His Excellency the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That no Molatto or Negro Slave shall hereafter be manumitted, discharged or set free, until sufficient security be given to the Treasurer of the town or place where such

such person dwells, in a valuable sum, not less than *Fifty Pounds*; to secure and indemnify the town or place from all charge for or about such Molatto or Negro, to be manumitted and set at liberty, in case he or she by sickness, lameness or otherwise, be rendered incapable to support him or herself.

And no Molatto or Negro hereafter manumitted, shall be deemed or accounted free, for whom security shall not be given as aforesaid; but shall be the proper charge of their respective masters or mistresses, in case they stand in need of relief and support; notwithstanding any manumission or instrument of freedom to them made or given: And shall also be liable at all times to be put forth to service by the Selectmen of the town. [Passed 1703. Revised.]

None to be accounted free, for whom security is not given.

CHAP. XXV.

CHAP. XXVI.

An ACT in Addition to the Act for regulating the Affize of Cask for Tar, Pitch, Turpentine, &c. and for preventing Frauds and Deceit in the said Commodities.

SECT. 1. *BE it enacted by His Excellency the Governour, Council and Representatives, in General Court assembled, and by the authority of the same,* That all persons, from and after the publication of this Act, who are Makers or Drawers of Tar, Pitch, Turpentine and Rozin, in any town within this Province, shall, after the making thereof, and before they expose the same to sale, set the first letters of their names, with a brand-mark, on the best head of the barrel they put it up in; and shall also cause the same first to be searched by the Searcher: and upon his certificate, to be entered by the Town-Clerk in a particular book for that end, with the name of the owner, time of entry, and mark, in the head of every barrel; in the town where the Marker or Drawer lives. And the Town-Clerk shall be paid by the owner thereof, for recording and giving out certificate, the sum of *Six Pence*, for each parcel. And all Tar, Pitch, Turpentine and Rozin that shall be sold, disposed of, or transported out of the town where it is made before it be searched, marked, both with the Marker and Searcher's mark, and recorded as aforesaid, shall be forfeited. And if any man shall presume to counterfeit another man's mark on any of the said commodities, he shall pay, as a fine, the sum of *Four Pounds*, for each barrel he shall make a counterfeit mark upon.

Tar, &c. to be marked on the head with a brand-mark, and upon certificate from the Searcher, to be registered.

Town-Clerk's fee for register and certificate.

Penalty for counterfeiting the mark.

And

Fee for searching before shipping.

Fines and forfeitures, how to be disposed.

And the respective officers appointed, and to be appointed in each seaport town, within this Province, to search, survey, and gage all Tar, Pitch, Turpentine and Rozin, according to the law, shall be paid for all of the said commodities that shall be exported out of the Province, by the slipper, the sum of *Three Pence* per barrel, for their service therein, instead of the *Two Pence* per barrel, in the law already enacted.

SECT. 2. *And it is further enacted by the authority aforesaid,* That all fines, penalties and forfeitures, arising by force and virtue of this Act, shall be the one half to the use of the poor of the town where the offence shall be discovered and seizure made; and the other half to him or them that shall inform and sue for the same in any of Her Majesty's Courts of Record within this Province; any law, usage or custom to the contrary notwithstanding. [Passed 1708. Not revised, but in part.]

C H A P. XXVII.

An ACT to prevent Nuisances by Hedges, Wears, and other Incumbrances, obstructing the Passage of Fish in Rivers.

Obstruction of the course of Fish in rivers, by wears, &c. a common nuisance.

BE it enacted by His Excellency the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That no wears, hedges, fish-garths, stakes, kiddles, or other disturbance or incumbrance, shall be set, erected or made, on or across any river, to the stopping, obstructing or straitening of the natural or usual course and passage of Fish, in their seasons, or spring of the year, without the approbation and allowance first had and obtained from the General Sessions of the Peace in the same county: who are hereby authorized and impowered, on application made to them at their Sessions, to grant liberty for the same; or to deny it, as they shall see it to be either a public good or damage; and so yearly from time to time, to be allowed or disallowed, as they shall direct.

None to be levied or set up without allowance of the Court of General Sessions of the Peace.

And that all wears, hedges, fish-garths, stakes, kiddles, or other incumbrance whatsoever, set up and made, or hereafter to be levied, set up or made in, on, or across any river, to the straitening, obstructing and stopping the natural, common or usual passage of Fish, in the spring or proper seasons of the year, without approbation or allowance first had and obtained for the same, in manner as in and by this Act is directed; are declared to be a common nuisance, and shall be demolished and pulled down; not to be again repaired or amended. And that on complaint made to the General Sessions of the Peace, or to any two Justices of the Peace, *quorum unus*, in their respective counties; a writ shall be granted to the Sheriff
or

or Constable of the town where the nuisance is done, to cause the party or parties complained of, to be examined ; and upon conviction, to remove the same ; and to command suitable assistance therefor, at the cost and charge of the person or persons so offending.

Provided, That nothing herein contained shall be construed to extend to the pulling down or demolishing of any mill-dam already made, or that shall hereafter be lawfully and orderly made. [Passed 1709. Not revised.]

Proviso.

C H A P. XXVIII.

An ACT in Addition to, and for Explanation of the Act for the Settling and Distribution of the Estates of Intestates.

BE it enacted by His Excellency the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That if after the death of a father, any of his children shall die intestate without wife or children, in the life-time of the mother, every brother and sister, and the representatives of them, shall have an equal share with her in the estate of the intestate ; any thing in the aforesaid Act, for the settling and distribution of the estates of intestates, to the contrary thereof in any wise notwithstanding. [Passed 1710.]

Revised,
Mar. 9, 1784.

Brothers and sisters of any person deceased intestate without wife or children, to be sharers with the mother.

C H A P. XXIX.

An ACT for regulating the Size of Bricks.

UPON consideration of the great quantities of Bricks now to be used for building ; and that the firmness of building very much depends on the goodness of the materials :

Preamble.

SECT. 1. *Be it enacted by His Excellency the Governour, Council and Representatives, in General Court assembled, and by the authority of the same*, That clay, for the making of Bricks, shall be digged before the tenth of December yearly ; and shall be turned over in the month of February or March next ensuing, at least twenty days before it be wrought ; and then well and thoroughly wrought.

Clay to be dug before the 10th of Decemb. &c.

And no person shall temper his clay with salt or brackish water ; nor dig any clay in any place where the salt water comes in.

Not to be tempered with brackish water.

SECT. 2. *And be it further enacted by the authority aforesaid*, That the size of Bricks shall not be less than nine inches long ; four inches and a quarter of an inch broad, and two inches and an half inch thick.

Size of Bricks.

And

Size of moulds
to be shod with
iron & sealed.

And all moulds, to be used for the making of Bricks, shall be made agreeable to these sizes : *That is to say*, not less than nine inches and a quarter of an inch long, four inches a quarter and a half quarter of an inch broad, and two inches and half an inch deep, withinside ; being well shod with iron, and sealed by the Sealer to be appointed as is herein after directed : so that the Bricks may hold out the dimensions prescribed as aforesaid, as near as may be when burned.

Forfeiture of
Bricks not
made in
moulds as a-
fore directed.

And whosoever shall make and expose to sale any Bricks not made in moulds of the aforesaid sizes, shod with iron, and sealed by the Sealer ; he shall lose and forfeit one half of all such Bricks made contrary hereto, or the value thereof ; to the use of the poor of the town or district where they shall be made ; to be sued for and recovered in any of Her Majesty's Courts of Record within the county where they shall be made, by the Treasurer of the town or Town-Clerk.

Selectmen to
appoint a
Viewer and
Sealer.

And the Selectmen of each town where Bricks are ordinarily made, are hereby directed and ordered, annually to nominate and appoint a suitable person to be a Viewer and Sealer of Moulds, for the making of Bricks ; who shall be sworn before a Justice of the Peace, to the faithful execution of his office ; and is hereby impowered, from time to time, to enter into all brick-yards, to view their moulds, and to see that they be of due size, well shod with iron, as aforesaid, and sealed ; and if they be under size, or not well shod, to break the same.

To be sworn.

His power.

Brickmaker to
call the View-
er before set-
ting.

His fee.

And every Brick-Maker, before the setting of his kiln, shall call the Viewer to oversee his Bricks, who shall forthwith attend the service ; and be paid by the Brick-Maker *Two Pence* per thousand, for all Bricks by him viewed ; and *One Penny* for each mould by him sealed ; the Selectmen of the town to provide a seal ; any law, usage or custom to the contrary notwithstanding. [Passed 1711. Not revised.]

C H A P. XXX.

An ACT in Addition to the Act for making Lands and Tenements liable to the Payment of Debts.

Preamble.

WHEREAS in and by an Act made and passed in the eighth year of the reign of his late Majesty King *William* the Third, land and tenements are made liable to the payment of debts : And whereas in practising upon the said Act, either through the perverseness of the creditor, or corruption of the officer, executions for small sums are sometimes laid on part of housing and lands of great value, in such manner as grievously to discommode or spoil the remainder, contrary to the good intent of the said Act ; the party injured be-
ing

ing without remedy ever to recover his estate back again. For prevention of such inconvenience and mischief for the future :

SECT. 1. *Be it enacted by His Excellency the Governour, Council and Representatives, in General Court assembled, and by the authority of the same,* That when any land or tenement, in part or in whole, shall be levied and taken in execution, for debt ; it shall and may be lawful to and for the party, or his heirs, whose estate is so taken in execution, within the space of one year next following the levying execution thereon, and not afterwards ; to bring his suit against the creditor, or his heirs, or tenant in possession, and recover back his estate, upon paying the full sum, for which the same was taken, with interest from that time ; and the reasonable necessary charges and disbursements laid out and expended thereon, for repairing or bettering of the same, over and above what and so much as the rents, profits and improvements made thereof, shall fall short of reimbursing such charges ; to be accounted for by the party for whom the same was taken in execution, his heirs or assigns, agreeable to the provision made in the Act for equity of redemption of estates upon mortgage forfeited for the condition broken.

Revised,
Mar. 17, 1784.

One year's time allowed to recover back housing or lands taken in execution for debt.

And whereas in and by the aforementioned Act, relating to the equity of redemption of mortgaged estates forfeited, the term of three years therein limited for the redemption, is diversely construed as to the commencement thereof :

SECT. 2. *Be it enacted and declared,* That the said term of three years shall be reckoned and accounted from the time of the mortgagee, his entry into and taking possession of such forfeited estate ; any law, usage or custom to the contrary notwithstanding. [Passed 1712.]

The time of three years for redemption of forfeited estate upon mortgage ; when to commence.

C H A P. XXXI.

An ACT directing how Meetings of Proprietors of Lands lying in common, may be called.

Revised,
Mar. 10, 1784.

WHEREAS the law has made provision and empowered the proprietors of lands lying in common, as well those already stated and divided, each one's proportion being known, as those not stated, divided or proportioned as aforesaid ; to manage, improve, dispose and divide the same, in such way and manner as hath been or shall be concluded and agreed on by the major part of the interested. But no direction being given how a meeting of such proprietors may be orderly and regularly called and assembled :

Preamble.

Be it enacted by His Excellency the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That when and so often as any five or more of the proprietors

Fourteen days' notice for a meeting.

Power to choose a Clerk.

proprietors of such common lands shall judge a proprietors' meeting to be necessary, they may make application to a Justice of the Peace within the said county where such lands lie, for a warrant for the calling of a meeting, expressing the time, place, and occasion thereof : And such Justice is hereby empowered to grant a warrant for such meeting accordingly, directed to one of the proprietors, asking the same ; or to the proprietors' Clerk, requiring him to notify the proprietors of the meeting, and the time and place for the same ; which notification shall be given in writing, posted up in some public place or places within the town or precinct where the lands lie, fourteen days before the day appointed for the meeting. And such and so many of the proprietors as shall be assembled and meet accordingly, shall have power, by a major vote, to choose a Clerk, to enter and record all votes and orders that from time to time shall be made and passed in the proprietors' meetings ; who shall be sworn to the faithful discharge of his office, as the law directs, for the swearing of town officers ; and to agree upon and appoint any other way or method of calling and summoning meetings for the future, as shall be most suitable and convenient to the proprietors : As also to pass orders for the managing, improving or dividing such common lands, not before stated and divided ; the voices always to be collected and numbered according to the interests present, where the same is known.

And no other affair shall be transacted at any meeting of the proprietors, than what is expressed in the warrant or notification for such meeting. [Passed 1712.]

C H A P. XXXII.

An ACT to prevent the annoying or stopping up of Harbours ; and the unjust taking off Ballast from the Shoar.

Penalty for casting Ballast into the harbour, &c.

BE it enacted by His Excellency the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That no master or commander of any ship or other vessel, coming from sea into any road, port or harbour within this Province, shall presume to unload, or throw overboard, any Ballast or Rubbish, into such road, port or harbour, under the penalty of *Twenty Pounds* : And in the ballasting or unballasting any ship or other vessel, there shall be a canvas or tarpolin, which shall reach from the ballast-port or gunnel, to the lighter or boat ; to prevent any part of the Ballast or Rubbish falling into such port, road and harbour as aforesaid. Nor shall any such commander or master as aforesaid, take off
any

any sort of Ballast from any island, beach or other land, being the propriety of any town, or of any particular person or persons within this Province; without leave first had and obtained from the Selectmen of such town, or the major part of them, or from such person or persons as they shall entrust therewithal, or other the proprietor; under the penalty of *Forty Shillings*; to be recovered before a Justice of the Peace.

Penalty for taking Ballast without leave.

Provided, That this Act shall not extend to the hindering any commander or master of any ship or other vessel, after they are under sale outward bound, who find a necessity of taking in more Ballast, to take the same from off any island, beach or other land, as above mentioned, making satisfaction therefor.

Proviso.

The penalties arising by this Act, to be one half thereof for the use of the poor of the town where the offence is committed; the other half to the use and benefit of the informer. The penalty of *Twenty Pounds* aforesaid, to be recovered by bill, plaint or information, in any of Her Majesty's Courts of Record within the respective counties where the offence shall be committed. [Passed 1713. Not revised.]

Forfeitures, how to be disposed.

C H A P. XXXIII.

An ACT for the better preserving, increasing and securing Naval Stores; particularly Tar, Turpentine and Rozin, within this Province.

WHEREAS there has been waste and sroy made of the pine trees, and other timber within this Province: For prevention whereof,

Preamble.

Be it enacted by His Excellency the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That from and after the publication of this Act, no person or persons may presume to cut or carry off any tree, trees or timber, bark or box any pine-tree or trees, for the drawing of Turpentine, standing upon any of the lands belonging to this Province, proprietors, townships or particular persons, without leave or license first had and obtained from the owner or owners thereof; on pain of forfeiting and paying the sum of *Twenty Shillings*, for every tree so cut or removed, barked or boxed. And the Turpentine drawn from them, when found either in the trees aforesaid, barrels or other vessels lying upon the said lands, to be alike forfeited; one moiety thereof to the respective owners of the said land and trees, the other moiety to be to him or them that shall inform or sue for the same, before any Justice of the Peace in the county where the offence is committed, if the forfeiture exceed not *Forty Shillings*; but if above that value, in any of His Majesty's Courts of Record, within this Province. [Passed 1715. Not revised.]

No persons to cut or carry off trees, without license.

Penalty.

Appropriation.

How recovered.

C H A P. XXXIV.

An ACT in Addition to the Act for preventing Abuses to the Indians, made in the twelfth Year of King William.

Preamble.

WHEREAS notwithstanding the care taken and provided by said Act, a great wrong and injury happens to said Indians, natives of this country, by reason of their being drawn in by small gifts, or small debts, when they are in drink and out of capacity to trade, to sign unreasonable bills or bonds, for debts, which are soon sued, and great charge brought upon them, when they have no way to pay the same but by servitude :

No bill, &c. given by any Indian to be good, unless entered into before 2 Justices, both being present.

SECT. 1. *Be it therefore enacted by His Excellency the Governour, Council and Representatives, in General Court assembled, and by the authority of the same,* That from and after the publication of this Act, no bill, bond or other specialty, in writing, given by any Indian, on any contract whatsoever, shall be deemed good, or be recoverable against any Indian native of this Province, unless such bill, bond or specialty be entered into before any two of His Majesty's Justices of the Peace in the county where such Indian lives, and both to be present together when the said bill, bond or specialty is executed by the said Indian, and approbated by the said Justices, who are therefore to take care of the equity and reasonableness of such bill, bond, bargain or contract.

No contract for service of any Indian to be good, unless as above.

SECT. 2. *And be it further enacted,* That henceforth no Indian shall contract, or put him or herself or child, apprentice or servant, for any time or term of years, but by and with the allowance and approbation of two of His Majesty's Justices of the Peace (in the county where such Indian lives :) And the indenture to be allowed of and approved by the said Justices at the same time, and when together ; any law, usage or custom to the contrary notwithstanding. [Passed 1718. Not revised.]

C H A P. XXXV.

An ACT in further Addition to and Supplement of an Act, entitled, "An Act for making Lands and Tenements liable to the Payment of Debts," made and passed in the eighth Year of King William.

Revised.
Mar. 17, 1784.

Real estates of debtors liable to executions.

SECT. 1. *BE it enacted by His Excellency the Governour, Council and Representatives, in General Court assembled, and by the authority of the same,* That when any person or persons shall recover judgment in any of His Majesty's Courts, within this Province, for any sum or sums of money, or any other

other specie, or for costs of suit, and the person or persons against whom judgment shall be recovered, is either unwilling or unable to satisfy such judgment by money or other specie, and the creditor or creditors finding no other personal estate to his or their acceptance to extend execution upon for satisfaction thereof, and doth therefore think fit to levy upon the real estate of such debtor or debtors, for the end aforesaid, rather than on the person of the debtor; that then, and in every such case, the Sheriff, Under-Sheriff or deputy, shall cause three indifferent discreet men, being freeholders in the county, one to be chosen by the creditor or creditors, one by the debtor or debtors, if he or they see cause, and the third by the Sheriff or other officer that shall serve the same, to be sworn before one or more of His Majesty's Justices in said county, faithfully and impartially to apprise such real estate as shall be shewn to them, who shall apprise the same to satisfy the execution, with all fees, and set out such estate by meets and bounds; and the Sheriff or other officer shall deliver possession and seizen thereof to the creditor or creditors, his or their attorney; which being returned, and recorded in the Clerk's office of the Court out of which the same issued, shall make a good title to such creditor or creditors, his or their heirs and assigns in fee: *Saving*, Equity by redemption, as by law is prescribed. And when it so happens that the real estate extended upon cannot be divided and set out by meets and bounds, as before prescribed, that then execution shall be extended upon the rents of such real estates, and seizen given thereof to the creditor or creditors, his or their attorney, and cause the person or persons in the possession and improvement to attorn and become tenant or tenants to such creditor or creditors, and to pay their rents to him or them accordingly; and upon refusal thereof, to turn the person or persons out of the possession thereof, and give livery, seizen and possession of the same to the creditor or creditors to hold and enjoy all such real estate to him or them, their heirs or assigns, till the judgment, interest and fees be fully satisfied and paid, reserving thereout the widow's thirds or dower, if any there be.

*Saving equity
of redemption.*

*Execution to
be extended
on rents.*

Provided always, That it shall and may be lawful for any debtor or debtors, his or their heirs, executors or administrators, at any time or times before the judgment with the interest and charges be fully satisfied, to tender and pay to the creditor or creditors, his or their heirs or assigns, the full remainder of the debt, interest and charges, who is obliged to accept thereof, and surrender up all such real estate to the debtor or debtors, his heirs, executors or administrators, and deliver up peaceable and quiet possession thereof.

Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid*, That an Act made and passed in the second year of his present Majesty, entitled, "An Act in further Addition to an Act, entitled,

entitled, "An Act for making lands and tenements liable to the payment of debts," made and passed in the eighth year of the reign of King *William* : And all and singular the clauses, paragraphs, articles, directions, matters and things in the said Act contained, be and hereby are repealed, made null and void.

Provido.

Provided always, That all real estates taken in execution and levied upon, and all other Acts and things done pursuant to and by virtue of the aforesaid Law, notwithstanding the repealing hereof, shall be held good and effectual, to all intents and purposes : And whoever is in the possession of any real estate, by means thereof, it shall be a good estate in fee to him or them, their heirs and assigns ; any law, usage or custom to the contrary thereof notwithstanding.

Provido.

Provided also, That nothing in this Act contained, shall extend to the lands owned by the Indian natives of this Province. [Passed 1719.]

C H A P. XXXVI.

An ACT for the Regulation of the Decrees, and other Proceedings of the several Judges of Probate in the respective Counties of this Province, and of Appeals therefrom.

Revised.

Mar. 4, 1784.

Administrators & executors to give public notice of the sale of lands, &c.

SECT. 1. *BE it enacted by His Excellency the Governour, Council and Representatives, in General Court assembled, and by the authority of the same*, That when the executor or administrator of any estate shall obtain license from the Superior Court to make sale of all or any part of the housing and lands of the deceased, for the payment of debts, before sale be made of any such housing and lands, the executor or administrator shall give thirty days public notice, by posting up notifications of such sale in the town where the deceased person last dwelt, and in the two next adjoining towns, as also in the shire town of the said county ; and whosoever will give most shall have the preference in such sale ; and in case it be an insolvent estate, the whole produce of such sale to be divided in due proportion to and among the creditors.

And whereas some doubt hath arisen touching such estate real and personal as is not plainly devised, given or bequeathed in any last will and testament :

Revised,
Feb. 6, 1784.

Estate not bequeathed, to be distributed as intestate estate.

SECT. 2. *Be it resolved and enacted*, That from and after the end of this present session of the General Assembly, all such estate, whether real or personal, that is not plainly given away or disposed of in and by the last will and testament of any person thereafter to be proved, the same accordingly shall be distributed in the same manner as if it were an intestate estate, and executor or executors shall administer on the same as such.

SECT.

SECT. 3. *And be it further enacted by the authority aforesaid,* That when the real estate of an intestate will conveniently accommodate more of the children than the eldest son, and being so represented, and made to appear to the Judge of Probate, he shall have power to settle it on so many of the children (preference being always had to the sons) as it will conveniently accommodate (without prejudice to or spoiling of the whole) in the manner as it was to have been settled upon the eldest son before the making of this Act. [Passed 1719.]

Revised,
Mar. 9, 1784.
Division of real
estate of intestates.

C H A P. XXXVII.

An ACT for preventing Abuses in distilling of Rum, and other strong Liquors, with Leaden Heads or Pipes.

WHEREAS the strong liquors and spirits that are distilled through leaden heads or pipes, are judged, on good grounds, to be unwholsome and hurtful; notwithstanding which, some persons, to save charge, may be led into the making or using of such heads, worms or pipes. For remedy and prevention whereof:

Preamble.

SECT. 1. *Be it enacted by the Lieutenant-Governour, Council and Representatives, in General Court assembled, and by the authority of the same,* That no person whatsoever, shall make use of any such leaden heads or worms for the future; and that whosoever shall presume to distil or draw off any spirits or strong liquors through such leaden heads or worms, upon legal conviction thereof before any of His Majesty's Courts of Record, shall forfeit and pay a sum of *One Hundred Pounds*.

No leaden
heads or
worms to be
used in distilling, upon penalty.

SECT. 2. *And be it further enacted by the authority aforesaid,* That no brazier, pewterer, or other artificer whatsoever, shall presume to make any worm or head (for distilling) of coarse and base pewter, or such as hath any mixture of lead in it; under the penalty of *One Hundred Pounds*.

No braziers,
&c. to make
worms or
heads of base
pewter or lead.
Penalty.

SECT. 3. *And be it further enacted,* That in each town within this Province, where the distilling trade is carried on, it may be lawful for the inhabitants thereof, at their annual town-meeting in *March*, for choice of town officers, to choose two or more Assay-Masters, whose business it shall be to inspect and make trial of any such heads and worms as shall be suspected by them, and if, upon their assaying and trial of them, they be found to be made of lead, or of other base mettles, or to have an alloy of lead or of other base mettles in them, they shall give notice thereof to the distiller or owner thereof; who is hereby forbidden to make any farther use thereof in distilling, under the aforesaid penalty of *One Hundred Pounds*.

Assay-Masters,
their duty,

SECT.

SECT. 4. *And be it further enacted by the authority aforesaid,*
 That the Assay-Masters or Inspectors are hereby impowered
 And power. to enter into any still-house or place where such utensils are
 suspected to be kept, and to cut off so much of them, as shall
 be needful to make an assay or trial of them. And every distiller
 shall be obliged to produce a certificate under the hands
 of the Assay-Masters, for the time being, for all the pewter
 heads and worms which they shall make use of in distilling,
 that they have been tried and are approved of by them for
 good pewter, and that they have put their mark and number
 upon them; for which mark, a stamp shall forthwith be
 prepared at the town charge: For which certificate, and every
 assay made by them, they shall be allowed by the distiller
 or owner of such heads and worms, the sum of *Five Shillings*:
 The said certificate, with mark and number, to be entered in
 the Town-Clerk's book, for which service the Town-Clerk
 shall be allowed *Six Pence*.
 Fee.
 Certificate to
 be entered
 with the Town
 Clerk.

SECT. 5. *And be it further enacted by the authority aforesaid,*
 That all forfeitures and penalties arising by virtue of this Act,
 shall be the one half to the poor of the town where the offence
 is committed, and the other half to him or them that
 shall inform and sue for the same.

And further, That Capt. *Thomas Smith*, Mr. *Jonathan Jackson*,
 and Mr. *Jonas Clark*, of *Boston*, be the first and present
 Assay-Masters for the towns of *Boston* and *Charlestown*, and
 that they, and all others hereafter chosen to that office, shall
 make oath as follows, *viz.*

I, *A. B.* do solemnly swear, that I will, to the best of my
 skill, prove and make trial of all worms and still-heads
 within the town of *C.* that are used or designed to be
 made use of in distilling, that shall come to my knowledge,
 for which there is no certificate in the Town-Clerk's
 book, and will make a true and faithful report thereof to
 the Town-Clerk, for the time being. *So help me GOD.*

[Passed 1723. Not revised.]

C H A P. XXXVIII.

An ACT to enable Guardians to join in the Partition of Lands, or other Real Estate wherein Minors are concerned.

Preamble.

WHEREAS the partition of lands, or other real estate
 among the persons concerned, though much desired,
 and of great advantage, is often hindered and delayed by reason
 of infants or persons under age being interested in such
 estate, to the damage as well of the infants, as others therein
 concerned. For remedy whereof:

Ee

Be it enacted by the Lieutenant-Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That it shall be in the power of the guardian or guardians of any infants concerned in any real estate that is common or undivided, upon application made to, and leave had from the Superiour Court of Judicature holden for and within the respective counties of this Province, where such lands or real estate lie, either by such guardian or guardians, or the other partners interested, to join in and make partition of such real estate, as aforesaid, to and among them : Provided, Such partition or division be made upon oath by five freeholders (or the major part of them) to be appointed by the Justices of the said Superiour Court, and a return of such partition to be made to the Clerk's office of the said Court, and there to be recorded ; which partition or division, made in manner as aforesaid, shall be valid and effectual to all intents and purposes in the law ; any custom, usage or law to the contrary notwithstanding.

[Passed 1727.]

Revised,
Mar. 11, 1784.

Guardians
impowered
to join in the
partition of
lands, &c.

Proviso.

C H A P. XXXIX.

An ACT for the rendering more effectual the Act intituled, "An Act to prevent Nuisances by Hedges, Weares, and other Incumbrances, obstructing the Passage of Fish in Rivers."

See chap 27.

WHEREAS in and by an Act made and passed in the eighth year of the reign of Queen Anne, intituled, "An Act to prevent nuisances by hedges, weares, and other incumbrances, obstructing the passage of Fish in rivers ;" all such incumbrances in the rivers are disallowed and forbidden without the approbation of the Courts of General Sessions of the Peace in the respective counties, and ordered to be demolished and pulled down ; but no penalty is provided in the said Act. Wherefore, for the more effectual preventing such nuisances :

Preamble.

Be it enacted by the Lieutenant-Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That whosoever, after the publication of this Act, shall set up, erect or make any weares, hedges, fish-garths, stakes, kiddles, or other incumbrances whatsoever, on or across any river for straitening, obstructing or stopping the natural, usual or common passage of the Fish, in the spring, or other proper seasons of the year, without the approbation of the Court of General Sessions of the Peace, shall, for every such offence, forfeit and pay the sum of Ten Pounds, to be sued for and recovered by plaint, bill or information, in any of His Majesty's Courts of Record within the county where the offence is committed ; one half thereof to be to him that shall inform

Penalty for
making weares
&c. to obstruct
the passage of
Fish.

and for the same, and the other half to the poor of the town or towns where such incumbrances have been made or set up. [Passed 1727. Not revised.]

C H A P. XL.

See chap. 9. An ACT in Addition to an Act, intituled, "An Act for Highways."

Revised,
Feb. 27, 1787.

Notice to be
given the
towns of pri-
vate Ways in
March meet-
ing.

All private
Ways to be
allowed by
the town.

Revised,
Mar. 23, 1786.

Private Ways
may be altered
by the town.

Saving a lib-
erty of appeal.

SECT. 1. *BE it enacted by the Lieutenant-Governour, Council and Representatives, in General Court assembled, and by the authority of the same,* That when and so often as the Selectmen, or any by their order, for the future, shall lay out any private or particular Way or Ways in and for any town or towns, within this Province, such Selectmen shall make report to the town in which such Ways are laid out, at their annual town-meeting in *March*; notice of which report shall be inserted in the warrant for calling such meeting; and no such Way or Ways shall be esteemed established private Ways for such town, nor committed to record, unless such town, at a town-meeting warned as aforesaid, shall, by a major vote, allow and approve thereof.

SECT. 2. *And be it further enacted by the authority aforesaid,* That it shall be in the power of any town or towns, within this Province, at a legal town-meeting, to alter or discontinue any particular or private Way or Ways, within their respective towns, which have been heretofore laid out and improved as such, when it shall appear to such town or towns that they are unnecessary for the common good: And all such particular or private Ways, after so ordered by the major vote of such town or towns respectively, to be discontinued or altered, shall no longer be esteemed as particular or private Ways for such town or towns.

Saving always, To any person or persons who shall be aggrieved or damnified by the altering, discontinuing or laying out of any such Way or Ways as aforesaid, a liberty of applying for remedy to the Justices of the General Sessions of the Peace within the county where such alterations or layings out are made; who are hereby impowered and directed to inquire into and determine the matter by a Jury thereunto appointed, as well with respect to the necessity and convenience by such discontinuance, laying out or alteration as aforesaid, as to the damage that may happen or accrue to any particular person or persons thereby, and thereupon to award damages to the party or parties injured, against such town; unless it appears that such particular person or persons have no just cause of complaint; that then such particular person or persons shall pay all such cost and charge as shall or may arise by any such application to the Sessions.

Provided,

Provided, Such application be made to such Justices at their General Sessions of the Peace, within twelve months after such Ways are altered or discontinued as aforesaid, and not otherwise; any law, usage or custom to the contrary notwithstanding. [Passed 1727.]

Application to be made within a year.

C H A P. XLI.

An ACT in further Addition to the several Acts relating to Trespasses.

WHEREAS the several Acts or Laws already made for the preventing of trespasses have been found ineffectual for that purpose in some cases, so that a further provision is necessary to be made :

Preamble.

Be it therefore enacted by the Lieutenant-Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That no person or persons do, or shall presume to take up, break down or damnify any Dam or Dams, made use of for the inclosing of water improved for the benefit of any Mill or Mills, flowing or drowning of swamp or other lands or meadows, or let out the water so inclosed, or obstruct, hinder or stop the natural and usual course of any stream of water running from any Pond used and improved for the supplying any Mill or Mills with water; either by stopping or shutting down the sluice of such Dam, or by wilfully erecting, setting up or making any Dam or other incumbrance across any stream or run of water (having no right or privilege so to do) belonging to any other person or persons, and where he or they have a lawful right between his or their Pond and Mill; or shall cut down, burn, damnify, carry away or destroy any Mill or frame of a Mill, floom, or any of the timber, boards or implements used in and about the same; or shall pull down, cut, destroy, or any ways damnify any edifice, building or house not inhabited, frame or timber of any such building, cellar or well, being the property or in the possession of any other person or persons; on pain that every person or persons offending against this Act, or any part thereof, or that shall be aiding or assisting therein, shall, for every such offence or trespass, forfeit and pay to the party or parties so injured or trespassed upon, treble the value of all such damages as such party or parties shall make appear to the Justice or Court and Jury, before whom the trial shall be, that he or they have sustained by any breach of this Act: to be sued for and recovered in any Court proper to try the same, after the same manner of conviction, and by the same rules and methods as is directed and provided in and by an Act, intituled, "An Act in addition to, and for rendering more effectual an Act made in

No Person to damnify any mill-dam, mill-pond, frames, cellars, &c.

Penalty.

Manner of conviction.

the tenth year of the reign of King *William* the Third, intitled, An Act for preventing of Trespasses," made in the twelfth year of the reign of his late Majesty King *George*; any law, usage or custom to the contrary notwithstanding. [Passed 1727. Not revised.]

C H A P. XLII.

An ACT directing how Rates and Taxes to be granted by the General Assembly, as also County, Town and Precinct Rates, shall be assessed and collected.

Revised,
Mar. 16, 1786.

Penalty on defective Constables or Collectors.

SECT. 1. *BE it enacted by His Excellency the Governour, Council and Representatives, in General Court assembled, and by the authority of the same,* That if any Constable or Collector to whom any publick Tax or Assessment shall be committed to collect, shall be remiss and negligent of his duty, in not levying and paying unto the Treasurer or his deputy, such sum and sums of money as he shall from time to time have received, and as ought by him to have been paid within the respective times set and limited by the Treasurer's warrant, according to the directions therein, pursuant to law; the Treasurer is hereby impowered, after the expiration of the time so set, by warrant under his hand and seal, directed to the Sheriff or his deputy, to cause such sum and sums of money to be levied by distress and sale of such defective Constable's or Collector's estate, real or personal, returning the overplus (if any be;) and for want of such estate, to take the bodies of such Constables or Collectors, and to imprison them until they pay the same: Which warrant the Sheriff or his deputy is hereby impowered and required to execute accordingly:

Penalty on defective Sheriffs or Marshals.

SECT. 2. *And be it further enacted by the authority aforesaid,* That where any Sheriff or his deputy shall make default, in accounting for or returning into the treasury the sum and sums mentioned in any warrant or warrants of distress by him to be received from the Treasurer; the Treasurer, in such case, is hereby authorized and impowered to make out his warrant, directed unto the Coroner or Coroners of such county, where any Sheriff or Under-Sheriff is defective, requiring them respectively to distrain the same upon the estate, real or personal, of such defective Sheriff or his deputy, as is before directed herein, referring to the Sheriff or Under-Sheriff, making distress upon the estate of defective Constables or Collectors: Which warrant the Coroner or Coroners of any county shall be directed, and are hereby impowered and required to execute accordingly.

SECT. 3. *And be it further enacted by the authority aforesaid,* That where any Sheriff or his deputy shall, by warrant from the

the Treasurer, pursuant to this Act, distrain and levy the lands or tenements of any Constable or Collector, or where any Coroner shall by warrant as aforesaid distrain and levy the lands or tenements of any Sheriff or Under-Sheriff, for their or any of their defaults in not collecting or not paying into the treasury any sum or sums of money, which ought to be by them collected, levied and paid in, as aforesaid; in every such case, the Sheriff or either of his deputies, or the Coroner executing such warrant or warrants of distress, shall cause due apprizement to be made of any houses or lands so levied by the oaths of two or three sufficient freeholders in the same county (which oath any Justice of the Peace is hereby impowered to administer) and after apprizement thereof so made is hereby fully authorized and impowered to make sale of such houses or lands, and to make, seal, acknowledge and execute good and sufficient deeds and conveyances for the same, and out of the produce thereof to pay and satisfy the sum and sums for which such estate shall be levied, with all charges arising thereon; and to return the overplus upon such sale (if any be) unto the owner. And all deeds and conveyances of any such estate in houses or lands duly executed as aforesaid, shall be good and effectual in the law unto the purchaser, his heirs and assigns for ever, to all intents and purposes.

How real estates levied by the Treasurer's warrant shall be disposed of.

[Passed 1730.]

Whereas it frequently happens, that the proprietors of unimproved lands, within the several towns, precincts, districts, new plantations and proprieties, within this Province, neglect or delay to pay their proportions of the sums from time to time assessed on such lands by order of the Great and General Court, and according to their own agreements, towards defraying the publick charges arising within such towns, precincts, districts, new plantations and proprieties:

SECT. 4. *Be it therefore enacted by the Governour, Council, and House of Representatives,* That if the Assessors of any of the towns, precincts, districts, new plantations or proprieties within this Province, have, or at any time to come shall, pursuant to the direction or orders of the General Court, levy or assess a Tax upon the lands of the proprietors, situate in any of the towns, precincts, districts or new plantations, within this Province, for defraying the publick charges arising in the said towns, precincts, districts, new plantations or proprieties; or if the Assessors chosen by the proprietors of the common and undivided land in any of the towns, precincts, districts, new plantations or proprieties, within this Province, pursuant to the votes and agreements of such propriety, have or shall levy or assess a Tax upon such proprietors, by them thought necessary to carry on and prosecute any actions or suits that may be brought by or against them, or for the carrying on and managing of any other publick affair relating to such proprietors,

Lands to be sold in case of non-payment of Taxes.

Notification of
sale to be post-
ed up.

And advertiz-
ed in the new-
papers.

Overplus mo-
ney to be re-
turned.

Right of re-
demption,
in case.

New planta-
tions in Wor-
cester, Hamp-
shire and Berk-
shire, to be as-
sessed.

prietors, or performance of the conditions of their grant respectively ; and such proprietors shall neglect or delay to pay to the Collector or Collectors the sums from time to time levied or assessed upon their lands as aforesaid, for sixty days after such assessment is made and published, by posting up the same in the town, precinct, district or new plantation where such land lies, and in the shire town of the county ; that then, and in such case, it shall and may be lawful for such Assessors respectively, to post up in some public place or places in the town, precinct, district or new plantation where the lands lie, notifications of the intended sale of so much, and no more, of such delinquent proprietor's lands or common rights, as they shall judge necessary to pay and satisfy such Rates and Taxes, and other necessary and intervening charges, three months before the same be sold. And also the Assessors shall be obliged, for the notification of the non-resident proprietors, to advertise in all the several *Boston* news-papers, three several weeks, the intended sale, at least three months before the land be sold : And if any delinquent proprietors do not by that time pay such Rates or Assessments and charges ; then, and in that case, it shall and may be lawful for the Assessors, at a publick vendue, to sell and execute absolute deeds in the law, for the conveyance of such lands of the proprietors to the person or persons who shall give most for the same ; which deeds shall be good and valid, to all intents and purposes in the law, for conveying such estates to the grantees, their heirs and assigns forever. And if the said lands be sold for more than the overplus (after all charges arising about the same are subducted) to be paid to such delinquent proprietors or their order ; the money which the said lands shall be sold for, to be lodged in the hands of the Treasurers of the respective towns, precincts, districts or properties ; who are hereby directed to attend the orders of the Assessors of such towns, precincts, districts or properties, for payment of this Act ; reserving to such non-resident proprietors as are not inhabitants of this Province, their heirs or assigns, liberty for redemption of their lands so sold, they paying to the grantees or their heirs respectively, within one year afterwards, the sums for which the said lands were sold, with double damages, until the same be redeemed.

SECT. 5. *And be it further enacted*, That the Assessors of the several new plantations in the counties of *Worcester*, *Hampshire* and *Berkshire*, which are not incorporated into towns or districts, upon which any part of the Province Tax is laid, be and hereby are authorized, impowered and directed to levy all Province and County Taxes set upon such plantations, upon the whole propriety, except the publick rights, *viz.* each acre an equal part : And the Collector or Collectors are required to collect the same. And in case any of the proprietors of such

such new plantations in said counties, neglect, for the space of sixty days, to pay such assessment, then the Assessors shall sell such delinquent proprietor's lands, proceeding in manner as is above directed in this Act for the sale of proprietors' lands.

[Passed 1762.]

This Act to continue and be in force for the space of three years from the first day of *April* next.

C H A P. XLIII.

C H A P. XLIV.

An ACT in further Addition to the several Acts or Laws for the Settlement and Distribution of the Estates of Intestates.

WHEREAS it often happens, that persons dying intestate are seized and possessed of lands, and other real estate lying and being in several counties within this Province; and thereupon it hath been disputed, whether the next of kin and heirs at law ought not to apply to the Judges of Probate in the respective counties where such lands and real estate lie, for a settlement and distribution of the same; by means whereof, not only great trouble, cost and charge hath arisen and been occasioned to the parties concerned, but the same hath been attended with many other inconveniencies :

Preamble.

SECT. 1. *Be it enacted by His Excellency the Governour, Council and Representatives, in General Court assembled, and by the authority of the same,* That when it shall so happen, that any person shall die intestate, seized of lands or other real estate, lying in several counties within this Province, the Judge of Probate for any such county (preference to be always given to the Judge of Probate for the county where the deceased was an inhabitant at the time of his death) shall have full power and authority to make a settlement and distribution of the whole of the real estate of such intestate, in whatsoever county in this Province lying and being, in the same manner and by the same rules as are already prescribed by law : And the like power and authority is hereby granted to the several Judges of Probate in this Province, with respect to any intestate estate not already settled.

Revised,
Mar. 9, 1784.

Power to settle lands in several counties by one Judge of Probate.

Provided always, That this Act, nor any thing therein contained, shall be construed to extend to, or any wise affect any intestate estate already settled. [Passed 1733.]

Proviso.

SECT. 2. *And be it further enacted by the authority aforesaid,* That where fences have been erected fronting against any of the

Revised,
Feb. 27, 1787.

Boundaries
stated.

the common lands and highways, private ways, streets, lanes or alleys in any town or peculiar, within this Province, where the breadth of such highways, private ways, streets, lanes or alleys is not known, nor can be made certain by the records thereof, nor any other boundaries, and such fences have been upheld and maintained for more than the space of thirty years; such fence or fences shall then, and from thenceforth, be accepted, reputed and taken as the lines or boundaries between the said commons, highways, private ways, streets, lanes or alleys, and the lands lying in particular propriety adjoining thereto, unless the owner or owners of such lands do make it appear by authentick records, or credible witnesses, that his or their bounds did extend further in the original grant thereof.

[Passed 1734.]

ADDITIONAL ACT.

WHEREAS in and by an Act made and passed in the fourth year of the reign of King *William* and Queen *Mary*, intituled, "An Act for the settlement and distribution of the estates of intestate," "The Judges of Probate of Wills, and for granting Letters of Administration of the Estates of Intestates, are to settle the estate, both real and personal, one third part of the personal estate to the wife of the intestate forever, besides her dower or thirds in the housing and lands during life, where such wife shall not be otherwise endowed before marriage; and all the residue of the real and personal estate by equal portions to and among his children, and such as shall legally represent them," &c. But sufficient provision is not made for the settlement of the estate on the grand-child or grand-children, where one or more of the children of the intestate are deceased: For want thereof considerable difficulties have arisen and may arise. For remedy whereof:

Revised,
Mar. 9, 1784.

Manner of
settling intestate
estates on
grandchildren.

SECT. 3. *Be it enacted by His Excellency the Governour, Council and Representatives, in General Court assembled, and by the authority of the same,* That the several Judges of Probate of Wills and for granting administration on the estates of intestates, where any of the children deceased in the life-time of the intestate, and left issue, shall make a full settlement of the estate in manner following, *viz.* On the grand-children that part which their deceased father or mother would have had or taken if living at the time of the intestate's decease, and shall settle two shares or a double portion on the eldest son, if any be, and so in the same manner and proportion as if the same had descended from their immediate father or mother, and shall follow the same rules as to settling the Lands upon one or more of the grand-children (as the same are capable of making settlements) according to the directions of the Law of this Province, *viz.* An Act made in the sixth year of King *George* the First, Chap. III. directing to give preference to the sons. *Provided always,* This Act shall not extend to affect the title of any estate already settled. [Passed 1734.]

Provido.

C H A P. XLV.

An ACT directing how Meetings of Proprietors in Wharves, or other Real Estate besides Lands, may be called.

SECT. 1. *BE it enacted by His Excellency the Governour, Council and Representatives, in General Court assembled, and by the authority of the same,* That when and so often as five or more of the proprietors in any wharves, or other real estate or interest whatsoever, shall judge a proprietors' meeting necessary, and shall make application to a Justice of the Peace within the county where such real estate or interest lies; such Justice is hereby impowered to grant a warrant for such meeting, directed to one of the proprietors, asking the same, requiring him to notify the proprietors of the meeting, and the time and place for the same; which notification shall be, in writing, posted up in some publick place within the town where such estate lies, fourteen days before the time appointed for such meeting: And such, and so many of the proprietors as shall assemble and meet together accordingly, shall have power, by a major vote of the proprietors present, to choose a Clerk to enter all votes and orders that shall from time to time be made at such meetings, and shall be sworn to the faithful discharge of his office; and agree upon any other method of calling meetings: also to choose a Committee for managing the affairs of the propriety; and also to pass all orders and rules for the further managing, improving and ordering such estate or interest, as they shall agree; the voices always to be collected according to the interest, where the same is known; And no other affair to be acted at such meeting, but what is expressed in the warrant and notification of such meeting.

SECT. 2. *And be it further enacted,* That when it shall happen, suit shall be brought against any proprietors in any real estate besides lands, the plaintiff bringing forward such suit shall cause the Clerk of such propriety, or some principal proprietor in such estate, to be served with a copy of the writ or summons, at least thirty days before the day of the sitting of the Court to which the same shall be returnable. [Passed 1735.]

Revised,
Mar. 10, 1784

A Justice of the Peace to call a meeting of proprietors of wharves, upon application.

When suit is brought against the proprietors, the Clerk to be served.

C H A P. XLVI.

An ACT in Explanation of, and further Addition to the Act for making Lands and Tenements liable to the Payment of Debts.

WHEREAS some doubt has arisen, whether the right which the mortgager hath in equity to redeem such land

Preamble.

land as he has mortgaged may be legally taken by *capias*, or attachment, upon mean process, or by execution, for satisfying or paying the debts of the mortgager. For removing whereof :

Revised,
Mar. 17, 1784.

Rights of redeeming mortgages liable to be taken by the creditor of the mortgager.

SECT. 1. *Be it enacted by His Excellency the Governour, Council and Representatives, in General Court assembled, and by the authority of the same,* That such rights in equity of redeeming mortgaged lands heretofore have legally been, now are, and hereafter shall be liable to be taken by *capias*, or attachment, upon mean process, and by execution upon judgment recovered for the payment of the just debts of the mortgager, and the person at whose suit the said right by equity of redeeming such mortgaged lands is taken in execution; shall have the same and as full and ample right and power of redeeming such lands, as the mortgager himself had or ought to have : an acknowledgment of satisfaction, in the margin of the record of such mortgages, by the mortgagee or his heirs, shall be as sufficient a discharge thereof to the creditor, who hath redeemed or shall hereafter redeem the same, or to his heirs, as it would have been to the mortgager himself or his heirs.

Overplus to be returned and paid to the debtor.

Provided, That if the said right shall, by apprizement in due form of law, happen to exceed the sum to be levied with the necessary charges, the overplus shall be paid by the creditor to the debtor, within three months after levying the execution, or publication of this Act.

Executions hereon, to be entered in the Registry of Deeds.

Provided also : *And be it further enacted by the authority aforesaid*, That all executions that shall hereafter be levied on lands or tenements, and the proceedings thereon, shall, at the charge of the creditor, within three months after such levying, be entered in the office of the Register of Deeds for the county where such lands lie.

Revised,
Mar. 1, 1799.

Debtor allowed a year to redeem his right.

SECT. 2. *And it is further provided and enacted*, That the debtor, whose right in equity as aforesaid is taken by execution as aforesaid, shall have liberty, for the space of one year next after levying such execution, of redeeming such his right, by paying the full sum levied by execution on such right, with lawful interest, and all charges arising thereon, and such other sum or sums as the creditor, at whose suit the execution was levied, shall have paid to the person or persons to whom it was before mortgaged, or to the mortgager himself.

Creditor to have a good title to the land.

SECT. 3. *And it is further enacted*, That such person or persons (at whose suit such lands, or right by equity of redeeming any mortgaged lands, have been, are, or shall be taken by execution as aforesaid) shall be as legally and fully intitled to the said lands, or right of redeeming the mortgage or mortgages thereof, as the original mortgager at the time of levying the execution was; and the said lands, or right of redeeming the same, shall be and remain to the said creditor, and his heirs and assigns forever, unless redeemed by the mortgager within one year, as aforesaid. [Passed 1735.]

SECT. 4. *Be it enacted by the Governor, Council and House of Representatives,* That the real estates of any testators or intestates, are and shall be liable to be taken and levied upon by any execution issuing upon judgments recovered against executors or administrators in such capacity, being the proper debts of the testators or intestates, and that the method of levying, appraising, recording, and right of redemption, shall be the same as by law is provided respecting other real estates levied upon and taken in execution.

Revised,
Mar. 4, 1784.
Estates of testators and intestates, liable to execution, &c.

SECT. 5. *Be it further enacted,* That whenever any testator in and by his last will and testament hath given, or shall give any chattels or real estate to any person or persons, and the same hath been or shall be taken in execution in manner aforesaid, or sold by order of the Superior Court; in such case, all the other legatees, devisees or heirs, shall refund their average or proportionable part of such loss to such person or persons from whom the bequest shall be so taken away, and he or they shall and may maintain a suit or action to compel such contribution. [Passed 1759.—Continued in force till revised in 1784.]

Revised,
Feb. 6, 1784.
Real estate or chattels of testators taken in execution, to be borne proportionably among the legatees.

C H A P. XLVII.

An ACT in further Addition to an Act directing the Admission of Town Inhabitants, made and passed in the thirteenth Year of the Reign of King William the Third.

SECT. 1. *BE it enacted by His Excellency the Governour, Council and Representatives, in General Court assembled, and by the authority of the same,* That the inhabitants of the several towns, within this Province, who shall receive, admit and entertain any person or persons, not being inhabitants of such towns, either as inmates, boarders or tenants, in the house where such person dwells, or in any other house of his whatsoever, within this Province, or under any other qualifications, for more than the space of twenty days, and shall not, in writing, under their hands, give an account to one or more of the Selectmen, or the Town-Clerk of such town, of all such person or persons so received, admitted or entertained by them, with the time they first received them, and the place from whence they last came, together with their circumstances, as far as they can; shall, for every such neglect, forfeit and pay the sum of *Forty Shillings*; to be recovered by bill, plaint or information, before any Justice of the Peace, or in any of His Majesty's Courts of Record within this Province; the one half of the said fine to be employed to and for the use of the poor of the town where such offence shall be committed; the other

No strangers to be entertained in a town above 20 days without giving notice to the Selectmen, &c.

Penalty.

other half to him or them that shall inform and sue for the same : And they shall be liable to answer all charges that may arise in the said town, by receiving and entertaining such person or persons as aforesaid ; to be recovered by the Town-Treasurer ; or Selectmen, where no Town-Treasurer is appointed ; who are hereby respectively empowered to bring an action accordingly.

Charge of warning persons, how to be paid.

SECT. 2. *And be it further enacted by the authority aforesaid,* That all cost and charges, arising by warning any such persons as are not inhabitants out of town, entering the caution, or carrying them out of town, shall be defrayed and paid by those who received and entertained such person or persons in their houses as aforesaid, and shall be recovered by the Town-Treasurer ; or Selectmen, where no Treasurer is appointed ; who are hereby respectively empowered to bring an action accordingly.

Account of charge, to be exhibited by the Town-Treasurer or Selectmen.

And the Town-Treasurer, or Selectmen of the respective towns, in this Province, are hereby directed and ordered, before they bring their action, to exhibit to such who receive and entertain any person or persons in their houses as aforesaid, an account of the charge arising thereby ; and upon refusing to pay the same within five days, they shall be liable to pay said charge, and be deprived of any benefit by their notification, though given within the twenty days as aforesaid.

[Passed 1736.]

Revised,
Mar. 16, 1786.

Houses and lands of defective Constables, &c. taken on execution, to be sold.

SECT. 3. *And be it further enacted by the authority aforesaid,* That when and so often as any warrant of distress shall be sent forth by the Treasurer of the Province, or Treasurer of any county, town or precinct, to the Sheriff or his deputy, or to the Coroner, to levy the lands or tenements of any defective Constable, Sheriff or deputy ; in such case, it shall be lawful for the officer executing such warrant of distress, upon apprizement made as aforesaid, to make sale of such houses and lands to the highest bidder, and give good and lawful deed or deeds for the same ; having first given publick notice of time and place of sale, at least thirty days, in the town where such lands or tenements lie, as also in the two adjacent towns : And in case the produce of such houses or lands shall not satisfy the sum or sums mentioned in said warrant or warrants of distress, together with reasonable charges arising thereon ; then the Treasurer sending forth such warrant, shall issue an alias execution or warrant for such remaining sum or sums ; and the officer executing the same, for want of estate, shall take the body of such defective Constable, Sheriff or deputy, and him commit unto His Majesty's gaol in the county where to he belongs, until he shall pay the same. [Passed 1737.]

And if not sufficient, the body of such Constable, &c. to be taken.

C H A P. XLVIII.

An ACT to enable the Proprietors of the several Townships, lately granted by the General Court, to raise Moneys for defraying the Charges of settling the same.

WHEREAS the proprietors or present possessors of several townships, granted by this Court, have passed votes for the raising several sums of money upon their rights or lots, to defray the necessary charges of bringing forward the settlement of the said townships; which votes have not been complied with by the several proprietors, nor is there any method as yet prescribed to render the said votes effectual, or other votes which the proprietors may hereafter make :

Preamble.

Be it therefore enacted by His Excellency the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That when any person or grantee of such new plantation or township already granted by this Court, where the condition of the grant is not fulfilled, shall neglect or delay to pay the Treasurer or Committee of such township such sum or sums of money as shall be from time to time voted to be raised on their lands or rights, for thirty days after such rate or tax is made and published in the shire town of the county where such lands lie, and in the town where the Clerk of such proprietors shall live, as also in such other town or towns as have heretofore been, or as the said proprietors shall appoint, for the notifying of meetings; and in thirty days after, the grantee or his assigns may be notified thereof by advertising the same in one or more of the news-letters; that then the Committee chosen by such new plantation or township, or the major part of them, may and hereby are fully empowered at a public vendue (notice thereof in the public prints as aforesaid being given) to sell such delinquent proprietor's lots and after-rights in said townships, to such person or persons as may appear to give most for the same, and will give bond to the Committee, or other person appointed by the General Court to take bond for the performance of the conditions of the original grant; and the original grantee shall have his former bond given up and delivered him, if he desire the same; the money arising on such sale, to be applied for the defraying such delinquent proprietor's rate or tax; and the overplus, if any there be (after all charges arising about the same are subducted) shall be paid, the one half to the Treasurer of said township, for the general use and service of the said township, and the residue to the said delinquent proprietor, his heirs or assigns.

Revised,
Mar. 10, 1784.

Lands of delinquent grantees in new townships, to be sold, in case.

Disposition of the produce of such sale.

Provided always, That if such proprietors are not inhabitants of this Province, that then there be reserved to them, their

Proviso.

their heirs or assigns, a liberty of redemption of such rights, they paying the purchaser or grantee, or their respective heirs, within six months, such sum as the lands sold for, with the costs arisen by improvement made thereon, and double interest, until the same be redeemed.

Proviso.

Provided also, That where any grantee has brought forward a settlement, and is in the actual possession of his right ; that then, and in such case, so much only, and no more, of his right shall be sold as may be sufficient to defray such proprietor's rate, and the charges arising on the sale. [Passed 1737.]

CHAP. XLIX.

An ACT in Addition to an Act made in the eleventh Year of His Majesty's Reign, intituled, " An Act to enable the Proprietors of the several Townships, lately granted by the General Court, to raise Moneys for defraying the Charges of settling the same."

Preamble.

WHEREAS in and by said Act, provision is only made for the enforcing the payment of such sum or sums of money as shall be from time to time hereafter voted to be raised ; which not being sufficient to answer or effect the end proposed,

Revised,
Mar. 10, 1784.

Lands of delinquent proprietors, in the new towns, to be sold for paying Taxes.

Be it therefore enacted by His Excellency the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That when any grantee or proprietor of such new plantation or township, which is already, or that shall hereafter be granted, where the conditions of the grant are not fulfilled, shall neglect or delay to pay unto the Treasurer or Committee of such township, such sum or sums of money as by the proprietors thereof have heretofore been voted to be raised, as well as those that hereafter shall be voted to be raised upon their lands or rights, for thirty days after such rate or tax is made or published, as in and by said Act is directed, and the sale be notified in the *Boston Gazette* twenty days before the same be made : The Committee chosen by such new plantation or township, or the major part thereof, are hereby fully impowered to proceed in the sale of such delinquent proprietor's lands, as in and by said Act is already made and provided. [Passed 1738.]

CHAP. L.

C H A P. LI.

An ACT in Explanation of sundry Acts heretofore made, referring to the Admission of Town Inhabitants.

NOTWITHSTANDING the provision made by the Act passed in the twelfth and thirteenth years of King *William* the Third (intituled, an Act directing the admission of town inhabitants) "That no town shall be obliged to be at charge for the support of any person residing there, unless such person have continued in such town (without being warned to depart thence) by the space of twelve months, or else have obtained the approbation of the town, or the Selectmen thereof, for his dwelling there:" Yet inasmuch as it is not expressly declared in what way and manner such approbation shall be given, some doubt hath thereupon arisen, whether the Selectmen or Assessors in any town, their rating or assessing any person residing there, to town charges, and the inhabitants reaping the benefit of his rate, ought not (within the meaning of the said Act) to have the force of an approbation for such person's dwelling there, so far as to subject such town to the charge of his support, in case he stands in need; by means whereof sundry disputes, and expensive law-suits have arisen and may arise, unless prevented by this Court:

Preamble.

SECT. I. *Be it therefore enacted by His Excellency the Governour, Council and Representatives, in General Court assembled, and by the authority of the same,* That no town shall be obliged to be at charge for the support of any person resident in such town that hath not continued there so long as to become an inhabitant, unless he have obtained the approbation of the town (at a meeting of the inhabitants regularly assembled) or the approbation of the Selectmen (at their meeting) for his dwelling there; such approbation of the Selectmen to be given in writing, under their hands, or under the hands of the major part of them: And no Act of the Selectmen or Assessors, in rating or assessing any such person unto any charges whatsoever, shall subject such town to any expences for his support.

Revised,
Feb. 1794.

When persons
to be esteemed
inhabitants of
any town.

And whereas, upon the first paragraph in the Act made in the fourth and fifth years of his present Majesty's reign, and likewise that made in the tenth year of the same reign, directing the admission of town inhabitants, which relates to the charges which the inhabitants of any town shall be liable to answer, who shall admit and entertain any person (not being an inhabitant of such town) in his house as tenant or otherwise, for more than twenty days, and shall not, in writing, give such account to one of the Selectmen or Town-Clerk of such town, as in said Act is prescribed; a doubt hath arisen wheth-

Their being
rated, not to
make them so.

er

er the words [*all charges*] are to be construed to extend to the charges of supporting the persons so received and entertained, which may arise after he shall have continued in such town so long as to become an inhabitant :

SECT. 2. *Be it therefore declared and enacted by the authority aforesaid,* That the words [*all charges*] in the said paragraph do extend to, and include the charge of supporting the person so received and entertained after he shall have continued his residence in such town so long as to become an inhabitant ; and that such charges may be recovered at any time after they have arisen, although the term limited for the continuance of the said Act or Acts may (at the time of bringing the suit) be expired.

SECT. 3. *And it is hereby further declared and enacted by the authority aforesaid,* That no forbearance of the Selectmen to warn the person received and entertained as aforesaid to depart the town, shall free the inhabitant of such town by whom he was admitted and entertained, from the charge aforesaid, who shall violate the said Act by neglecting to give account or notice in manner as is therein directed. And each person offending (in violation of said Act) shall be liable to answer the whole of the charge incurred for the relief of the person by him admitted and entertained as aforesaid ; and all such charges are and ought to be understood and accounted to have arisen and accrued to the town by reason only of such his misdeed and neglect ; any others in like manner offending notwithstanding.

And that the several Acts aforesaid, are and were intended as herein explained, and ought always so to be understood and put in execution. [Passed 1739.]

SECT. 4. *And be it further enacted,* That from and after the tenth day of *April* next, no person whatsoever coming to reside or dwell within any town, in this Province, shall gain an inhabitancy in such town by any length of time he or she may continue there without warning, unless such person shall first have made known his or her desire to the Selectmen thereof, and obtained the approbation of the town, at a general meeting of the inhabitants, for his dwelling there ; nor shall any town be obliged to be at charge for the relief and support of any person residing in such town (in case he or she stand in need) that have not been approved as aforesaid : And all such persons as have not been approved as aforesaid, together with their children, whether born before or after their coming to such town, in wedlock, or otherwise, shall be liable to be sent or conveyed to the town where they properly belong, by a warrant from a Justice of the Peace, who is hereby empowered, upon application from the Selectmen of the town from which such person or persons are to be sent, to issue his warrant accordingly, excepting for such as are apprentices to some

Forbearance of the Selectmen to warn persons out of town, not to excuse those that entertain them.

Persons removing to any town, to be approbated before they gain an inhabitancy.

some inhabitant or inhabitants of such town, who shall not be liable to be sent or conveyed out of any town where they are apprentices, till the time of their apprenticeship is expired ; any law, usage or custom to the contrary notwithstanding.

And be it further enacted, That every Constable shall, before he delivers said warrant to the Constable of the next county, certify his doings thereon. [Passed 1767.]

Certificate to be on the warrant.

This Act to continue and be in force for the space of three years, and no longer. [Repealed Feb. 11, 1794.]

Limitation.

C H A P. LII.

An ACT to enable Proprietors in common and undivided Lands to choose Treasurers for their respective Proprieties, as occasion may require.

SECT. 1. *BE it enacted by His Excellency the Governour, Council and Representatives, in General Court assembled, and by the authority of the same,* That it shall and may be lawful for the proprietors of any common and undivided lands, or the major part in interest of them that are present, at any of their lawful meetings, whenever occasion shall require, to choose some suitable person for their Treasurer, who shall be sworn before a Justice of the Peace to the faithful discharge of his trust ; and such Treasurer is hereby impowered to demand, sue for, recover and receive all such sums of money, debts and dues, as shall at any time belong to the said proprietors, or be any ways due or coming to them, and make payment thereof again to such persons, and for such uses as he shall be lawfully ordered and directed from the proprietors ; and of all this render his reasonable account, on demand ; and such Treasurer shall continue in his office till the proprietors shall see cause to choose another.

Revised,
Mar. 10, 1784.

Proprietors of common lands impowered to choose Treasurers.

Treasurers' power.

SECT. 2. *And be it further enacted by the authority aforesaid,* That in every town, in this Province, where several allotments of lands are inclosed in one general or common field or inclosure, and as such improved, or where all the proprietors of lands shall hereafter see cause to inclose, fence and improve the same in such manner ; that in such case, the proprietors of such general fields, respectively, shall be and are hereby fully authorized and impowered, in a proprietors' meeting for that purpose, regularly convened, by a major vote of the proprietors then present (the vote to be collected according to the interest of the proprietors) to agree upon and pass one or more votes for the raising and collecting such sum or sums of money from time to time, as they shall judge necessary for the carrying on or managing any publick affairs relating to such proprietors ;

Proprietors of common fields impowered to raise taxes.

And to choose
Assessors and
Collectors.

Proprietors, or
their Clerk, to
grant warrants
for such taxes.

Assessors and
Collectors, to
be under oath.

prietors; and that they be alike impowered to choose three or five Assessors, for the assessing and apportioning such sum or sums so agreed on and voted, upon the proprietors of such lands, according to their several interests therein; and to appoint a Collector or Collectors to gather in and collect the same; which Collector or Collectors shall be and are hereby fully impowered to levy and collect the sum or sums so set and apportioned for such proprietors to pay, in the same manner as Constables of towns, within this Province, are impowered to levy and collect the publick rates or taxes, and to pay in the same to the proprietors, or their Clerk; who is hereby impowered to grant warrants for the levying and collecting such assessment, at such time as shall be by them appointed for the payment thereof; and such Clerk shall be accountable to the proprietors therefor: The person or persons so assessing the said proprietors, and the Collector or Collectors that shall be so appointed for the gathering and collecting the sum, or sums so granted and agreed upon by the said proprietors, to be assessed and collected as aforesaid, shall be under oath, for the true and faithful performance of their services, respectively; which oath shall be administered to them as the law provides for swearing town officers. [Passed 1741.]

C H A P. LIII.

Addit. Act,
chap. 56.

An ACT in Addition to an Act made to prevent the Destruction of the Fish called Alewives, and other Fish.

Preamble.

WHEREAS notwithstanding the several Acts made for the preservation of the Fish, and to give them free passage up and down the rivers in their seasons, yet by reason of the many dams erected, and often erecting across such rivers and streams where the several sorts of Fish pass up into the natural ponds to cast their spawn, said Fish are diverted in their passage, to the great decay and ruin of such fishery:

SECT. I. *Be it therefore enacted by His Excellency the Governour, Council and Representatives, in General Court assembled, and by the authority of the same, That whosoever shall hereafter erect or build any dam across any such river or stream where the Salmon, Shad, Alewives, or other Fish usually pass up into the natural ponds to cast their spawn, shall make a sufficient passage-way for the Fish to pass up such river or stream through or round such dam, and shall keep it open, for the free passage of the Fish, from the first day of April to the last day of May annually; and all the owners or occupants of any mill-dam or other dams heretofore erected and made across any such river or stream where the Fish cannot conveniently pass over, shall*

Passage in
dams, to be
kept open
for the Fish,
at the proper
season.

shall make a sufficient way, either round or through such dam, for the passage of such Fish, at or before the first day of *September* next, and after that, to keep such passage-way open from the first day of *April* to the last day of *May* annually, on pain that every person offending in any of the particulars aforesaid, shall forfeit and pay the sum of *Fifty Pounds* for each offence.

Penalty.

Provided nevertheless, Whereas in some of the rivers or streams, the said Fish do not pass up to spawn in the times by this Act provided for; that it shall be in the power of the several towns wherein such streams are, or are adjoining, or the Select-Men of such towns, or the major part of them, to appoint or order the times of keeping open such sluice-ways, as in their judgment may be agreeable to the natural time of said Fish passing up to spawn, so as it does not exceed sixty days annually.

In some towns the Selectmen to appoint the season.

SECT. 2. *And be it further enacted by the authority aforesaid,* That the owners or occupants of such dam or dams shall allow sufficient water-passage round, through, or over such dams, for the passage of such Fish or their young spawn, in the season of their going down such rivers or streams, on penalty of forfeiting the sum of *Fifty Pounds* for every offence.

Owners of the dams to allow a passage.

Provided nevertheless, That whosoever is an owner or occupant of such dam or dams erected before the year one thousand seven hundred and nine, and by this Act is obliged to make such passage-way for the Fish as aforesaid, shall, after he has effected the same, present his account, of the reasonable charge thereof, to the Court of General Sessions of the Peace of the same county, for their allowance; who are hereby empowered to proportion the several towns' parts thereof who are advantaged thereby, and order each of said towns to assess and pay the same to such owner or occupant accordingly; and the owners or occupants of such dam shall afterwards maintain such passage-way at his or their own cost and charge.

Charge thereof to be paid by those that have the benefit.

SECT. 3. *And be it further enacted by the authority aforesaid,* That it shall be in the power of any town, at their annual meeting, in *March*, to choose one or more persons, whose business it shall be to see that the said passage-ways are open pursuant to this Act, and that said Fish may not be obstructed in their usual passing up and down stream, and to appoint the proper place or places for the taking such Fish with scoop-nets, and to limit the particular times and days for the taking the same.

Towns to chuse persons to see that this Act be observed.

Provided also, That this Act shall not be construed so as to affect the order of this Court, passed in *January*, one thousand seven hundred and thirty-eight, relating to *Watertown* mill-dam.

Proviso.

And that the several fines and penalties arising by virtue of this Act, shall be sued for and recovered in any Court of Record proper to try the same, by any person that shall prosecute

Disposition of
the fines.

ecute and sue for the same, one half of such sum to be to and for the use of the prosecutor, and the other half to be to and for the use of the poor of the town where the offence shall be committed. [[Passed 1741.] Not revised.]

SUPPLEMENTARY ACT.

WHEREAS in and by an Act made in the present year of His Majesty's reign, intituled, "An Act in Addition to an Act made to prevent the Destruction of the Fish called Alewives, and other Fish;" the several towns, within this Province, are enabled and impowered to choose one or more persons, whose business it should be, to see that the passage-ways for Fish (in said Act ordered to be made) be kept open during the term therein mentioned, that so the Fish may not be obstructed in their usual passing up and down stream, and to appoint the proper place or places for the taking such Fish with scoop-nets, and to limit the particular times and days for taking the same; but no penalty is therein ordered to be imposed on such as shall take Alewives, or other Fish, at other times or places than such as shall be appointed in pursuance of said Act :

Penalty for
catching Fish
with nets, &c.
out of season.

SECT. 4. *Be it therefore enacted by the Governour, Council and House of Representatives,* That whosoever shall presume to take any of the kinds of Fish, in said Act enumerated (whether with scoop-nets or otherwise) in any river or stream within or adjoining to any town, within this Province, at any other place or time than such as has been or shall be limited and appointed by any town, in pursuance of said Act, such offender or offenders shall forfeit and pay the sum of *Ten Shillings* for each offence; one moiety thereof to be for the use of the poor of the town where the offence shall be committed; the other moiety to be to him or them, who shall inform and sue for the same before one or more of His Majesty's Justices of the Peace in the same county.

Provided, That this Act be not construed to affect any person taking Fish in any town where such town shall not, in manner as aforesaid, appoint the time and place for taking the Fish aforesaid. [[Passed 1741. Not revised.]]

C H A P. LIV.

An ACT to enable the Trustees, appointed in His Majesty's High Court of Chancery, to purchase Houses or Lands, and improve the same for perpetuating the Charity of the Honourable *Edward Hopkins*, Esq. more effectually to secure the Interest of their several Tenants in Possession of their *Hopkinston* and *Upton* Lands, and the Revenue of those Lands to the College and Grammar-School at *Cambridge*, according to the true Intent of all Parties at the first Settlement of that Town.

WHEREAS the Trustees appointed in His Majesty's High Court of Chancery, to purchase houses or lands, and improve the same for perpetuating the charity of the Honourable *Edward Hopkins*, Esq. at their meeting, the nineteenth of *April*, 1716, agreed, that those lands should be leased out at the annual rent of *Three Pence* an acre for the term of ninety-nine years, and not exceeding *Nine Pence* an acre to those termors, their heirs and assigns, at any time coming after the expiration of that term, and afterwards when the leases were made for that term, to commence the twenty-fifth of *March*, 1723; as on the one hand, they did not secure to the particular termors, their heirs and assigns, the right of renewing their leases from time to time forever, upon an annual rent not exceeding *Nine Pence* an acre, to the great disadvantage of the tenant; so, on the other hand, they obliged the Trustees to discharge and save the tenants from paying any province tax for three quarters of the premises, to the utter loss of the rent therein reserved for the pious uses aforesaid:

Preamble:

SECT. 1. *Be it therefore enacted by His Excellency the Governour, Council and Representatives, in General Court assembled, and by the authority of the same,* That it shall be lawful for the said Trustees, and they are hereby impowered, by certain indentures between them and the tenants of those lands to be executed, to confirm the several tenements in the tenure of the original termors, or their assigns, to hold to them, their heirs and assigns forever, reserving a rent-charge of *One Penny*, sterling money, of *Great-Britain*, or equivalent in province-bills, by the acre, payable the twenty-fifth of *March* annually, in lieu of the rent reserved in their respective leases, till the twenty-fifth of *March*, one thousand eight hundred and twenty-three, and *Three Pence* an acre like money, payable the twenty-fifth of *March* annually from that time forward forever, the tenants covenanting for themselves, their heirs and assigns, to pay all province taxes for their lands, to be rated by this Court from time to time for what they are worth above the rents reserved as aforesaid.

New indentures to be given on *Hopkinston* and *Upton* land.

And

And whereas the Trustees aforesaid have, by an endorsement on their several leases, granted to the termors and their assigns the right of common in all their lands in *Hopkinton* and *Upton* (above twelve thousand five hundred acres, designed for the several tenants, and other particular uses) in proportion to the quantity of their lands leased to them ; and these tenants apprehend they can more beneficially improve the said common lands, if divided to every one their share : Now, therefore,

Tenants im-
powered to
divide their
commons.

SECT. 2. *Be it further enacted by the authority aforesaid,* That the Trustees aforesaid, instead of granting them the common aforesaid, be impowered, by the indentures aforesaid, the better to enable them to pay the land-tax aforesaid, to give, grant, convey and confirm to the tenants aforesaid, all the lands aforesaid, in proportion to their lands leased to them as aforesaid, to hold to them and their heirs forever, that they may either improve the same in common, as was first intended, or divide and separately improve the same, as shall seem good to them, or the major part of them, upon advisement and mature consideration thereof.

And for the better securing of the several tenants' estate in the premises, and more clear discovery of their respective interests, and the recovery of the rents aforesaid :

A Register to
be appointed
for recording
leases, &c.

SECT. 3. *Be it further enacted,* That the Trustees aforesaid shall, and they are hereby impowered to appoint a Register for those lands, and swear him to the faithful discharge of his duty, and from time to time, upon his misbehaviour or failure by death, or otherwise, to substitute and swear another in his room ; who shall keep fair books of record, and therein record one of those leases already recorded by the Register of the county of *Middlesex*, with the mean conveyances thence down to the present tenant in possession, as also a certificate from the Register of the county of *Middlesex*, of all the rest by him recorded, expressing the lessees, premises, dates, and the terms of continuance, with all the mean conveyances down to the present tenant in possession ; and he shall likewise record all those leases and mean conveyances not yet recorded by the Register of the county of *Middlesex*, and all future conveyances of any of the said lands ; And after the twenty-sixth day of *April* next, no conveyance of those houses or lands, the revenue whereof goes to the College and Grammar-School in *Cambridge*, shall be good to hold the same against any other persons but the grantors and their heirs only, unless the deed thereof be recorded by the Register aforesaid, who shall take of the purchasers at the rate of *Eight Pence* sterling, or equivalent in province-bills, for every page of twenty-eight lines, eight words in a line for recording the same, and no more ; And no purchaser shall be obliged to record any of these deeds in the records of the county of *Middlesex* henceforward.

[Passed 1741. Not revised.]

C H A P. LV.

C H A P. LVI.

An ACT in Addition to an Act made in the fifteenth Year of his present Majesty's Reign, intituled, "An Act in Addition to an Act made to prevent the Destruction of the Fish called Alewives, and other Fish."

Chap. 53.

WHEREAS in and by an Act made in the fifteenth year of his present Majesty's reign, intituled, "An Act in addition to an Act made to prevent the destruction of Alewives, and other Fish," it is provided, "That all persons that should thereafter build any mill-dam or dams, or that had, before the time of the passing the same, built any such dam across any river or stream where the Salmon, Shad, Alewives or other Fish usually pass up into the natural ponds to cast their spawn, shall make or open a sufficient passage-way for the Fish to pass up such river or stream through or round such dam, and shall keep it open for the free passage of the Fish, from the first day of *April* to the last day of *May* annually; and also that a sufficient water-passage round, through, or over such dams, should be made for the passage of such Fish, or their young spawn, in the season of their going down such river or stream, on penalty of *Fifty Pounds* for every offence: But by reason that no direction is therein given, with respect to the sufficiency of the sluice or passage to be made or left open, there arises great difficulty to the owner or occupant of such dams in complying therewith. And whereas by reason that in some streams and rivers the said Fish pass sooner, and in others later in the year than the time prescribed in said additional Act, as well as that the time of their passing up and down, is in some streams and rivers longer, and in some shorter; so that it is found by experience that the general rule, in the aforesaid cases, by law provided, does not only fail of the good ends proposed thereby, but also exposes the owners and occupants of such dams to trouble and damage not necessary to answer the good purposes of said additional Act: Wherefore,

Preamble.

Be it enacted by the Governour, Council and House of Representatives, That it shall and may be lawful for any owner or occupant of any such dam or dams already built, or that may hereafter be built, and who are or may be obliged, by said additional Act, to open or leave open such passage as aforesaid, to apply to the next Court of General Sessions of the Peace to be holden in and for the county where such mill-dam

Owners or occupants of dams may apply to the Sessions to order the passages for Fish, and the circumstances thereof

dam is ; and the Justices of the Court, respectively, on such application, are impowered and directed to appoint a Committee of three sufficient, and as much as may be, disinterested persons, under oath, to repair to the dam where the passage is proposed to be opened, and carefully view the same, and in the best manner they are able, to inform themselves of the most proper place for the passage of such Fish up and down stream, of what dimensions the same shall be made or appointed to be, and what part of each year, and how long the same shall be kept open, and return the same, under their hands, or the hands of the major part of them, to the said Court, for their acceptance : which return so made and accepted, shall be deemed and adjudged the lawful rule of proceeding in making and keeping open the passage and passages for the Fish in passing up and down the rivers and streams for the future ; any thing contained to the contrary in said additional Act notwithstanding.

Parties aggrieved by such order, to apply to the Sessions for relief.

Charges, how to be borne.

Provided nevertheless, That if at any time after such determination, either party shall think themselves aggrieved by such determination, it shall and may be lawful for the owner or owners, occupant or occupants of such mill-dam or dams, or any other five persons of the other party who may expect benefit, by said Fish passing up such rivers or streams, once more to apply to the said Court for a new view and report on the premises, in manner aforesaid, which being by said Court accepted, shall be final ; the charge of such application to be borne by the persons applying, in case no material alteration on the first return is made ; but otherways, be borne by the owners of the dam, in proportion to their interest, to be first stated and allowed by the said Court of General Sessions, and may be recovered by action or actions of debt in any Court proper to try the same. [Passed 1743. Not revised.]

C H A P. LVII.

An ACT in Addition to, and for rendering more effectual the Laws already in being, for preventing the Destruction of the Fish called Alewives, and other Fish.

Preamble.

WHEREAS in and by an Act made in the fifteenth year of his present Majesty's reign, intituled, "An Act in addition to an Act made to prevent the destruction of Alewives, and other Fish," it is provided, ' That all persons that should hereafter build any mill-dam or dams, or that had, before the time of passing the same, built any dam across any such river or stream where the Salmon, Shad, Alewives or other Fish usually pass up into the natural ponds to cast their spawn, shall make or open a sufficient passage-way for the Fish

to

to pass up such river or stream through or round such dam, and shall keep it open for the free passage of the Fish from the first day of *April* to the last day of *May* annually, and also that a sufficient water-passage, round, through, or over such dam, should be made for the passage of such Fish, or their young spawn, in the season of their going down such river or stream, on penalty of *Fifty Pounds* for every offence.

And in and by an Act made in the seventeenth year of his present Majesty's reign, intitled, "An Act in addition to an Act made in the fifteenth year of his present Majesty's reign, intitled, "An Act in addition to an Act made to prevent the destruction of the Fish called Alewives, and other Fish," it is provided, 'That it shall and may be lawful for any owner or occupant of any such dam or dams already built, or that may hereafter be built, and who are or may be obliged, by said additional Act, to open or leave open such passage as aforesaid, to apply to the next Court of General Sessions of the Peace to be holden in and for the county where such mill-dam is;' and the Justices of the Court respectively, on such application, are impowered and directed to appoint a committee of three sufficient, and as much as may be, disinterested persons, under oath, to repair to the dam where such passage is proposed to be opened, and carefully view the same, and in the best manner they are able, to inform themselves of the most proper place for the passage of such Fish up and down stream, of what dimensions the same shall be, or be appointed to be made, and what part of each year, and how long the same shall be kept open, and return the same under their hands, or the hands of the major part of them, to the said Court for their acceptance; which return so made and accepted, shall be deemed and adjudged the lawful rule of proceeding in making and keeping open the passage and passages for the Fish in passing up and down the rivers and streams for the future; any thing contained to the contrary in said additional Act notwithstanding.

And whereas it may happen that in some rivers or streams, across which dams are built, it may be doubtful whether the Fish may be said usually to pass or cast their spawn, and so as to render it necessary that a way should be left open in such dams for their free passage, and many inconveniences may arise from such doubt or uncertainty:

SECT. 1. *Be it therefore enacted by the Governour, Council and House of Representatives,* That when and so often as application shall be made to the Court of Sessions by the owner or occupant of any mill-dam or dams, either of such dams as have no passage-way, or of such dams through which a passage-way has already been made, and a committee shall thereupon be appointed by such Court pursuant to the last recited Act, and such committee shall repair to any dam or dams,

Court of General Sessions to determine the expediency of dams, &c. upon the report of a Committee.

and

and it shall appear to them, upon inquiry, that the Fish do not, or in case of a passage being made or kept open, would not usually pass up the river or stream across which such dam is or shall be built, in such numbers as that it is necessary a passage-way through such dam should be made or kept open, or that the passing of the Fish up such river will not be of greater general benefit than the leaving open of passage-ways in such dams, will be of damage to the owners of the mills and other persons; then, and in either of such cases, said committee shall be impowered to make a report that such passage-way is not necessary; and such report being accepted by the Court of Sessions, the owner or occupant of such dam shall thereupon be freed from all obligation to make or keep open any passage; any thing in the aforementioned Acts to the contrary notwithstanding. And the charge of the application that shall be made by the owner or occupant of any mill-dam or dams; and all proceedings of the Court thereupon, pursuant to this Act, or to the said last recited Act, shall be borne and paid by such owner or occupant.

Provide.

Provided always, That if at any time after such determination, any person apprehending it necessary that a passage-way should be opened in such dam, shall thereupon make application to the Court of Sessions; said Court shall be impowered to appoint a new committee, who shall have the same power the first committee by law had or might have had; and upon such committee's reporting that a passage-way is necessary in such dam or dams, and the dimensions thereof, and the time it shall be kept open; and upon such report being accepted by the Court of Sessions, the owner or occupant of such mill or dam shall be as fully obliged to keep open such passage, as if the former report had never been made and accepted; any thing in this Act to the contrary notwithstanding. The charge of such application, and all proceedings thereupon, to be paid by the person or persons making the same, or by the owner or occupant of such dam, as the Court of Sessions shall order.

And whereas in some counties, within this Province, the Justices of the Court of Sessions have refused to admit any application from the owner or occupant of any mill or mill-dam, by reason that such application has not been made at the Court next immediately following the publication of the last recited Act:

Further power
of the Court of
Sessions.

SECT. 2. *Be it further enacted,* That the several Courts of Sessions, within this Province, be and hereby are impowered and directed to admit, proceed and determine upon any such application at any Court at any time held for the county, and all such proceedings shall be deemed as valid, to all intents and purposes, as if they had been acted upon at the Court next immediately following the publication of said Act.

And

And whereas in many rivers or streams, within this Province, neither Shad, Salmon nor Alewives usually swim, or would pass up such river or stream, although a passage-way was made and kept open through the several dams built across such rivers or streams, and the advantage of other Fish that pass up such rivers or streams is not equal to the damage that may arise by keeping open a passage-way through such dams ;

SECT. 3. *Be it therefore enacted*, That no owner or occupant of any mill-dam or dams built or to be built, within this Province, shall be liable to any penalty for not making or keeping open a passage-way through such dam or dams, except those dams only which are built across those rivers or streams where either of the aforementioned Fish, *viz.* Shad, Salmon or Alewives, usually swim or pass ; any former law, usage or custom to the contrary notwithstanding.

In what case mill-dam or dams are to be kept open.

Provided always, That it shall be in the power of any person at any time to make application to the Court of Sessions, setting forth, that the passage of other Fish up such rivers or streams is of such advantage as to render a passage-way through any dam or dams necessary ; and the Justices of the Court of Sessions are empowered, on such application, to appoint a committee to repair to such dam or dams ; and, upon such committee's reporting that a passage-way or ways for the Fish is necessary, the dimensions thereof, and the time for keeping it open ; and upon such report's being accepted, the owner or occupant of such dam or dams shall be as fully obliged to make and keep open such passage-way or ways, as if Shad, Salmon or Alewives usually passed up such river or stream.

Application may be made to the Court of Sessions, relating to dams, &c.

And whereas the mill-dam in the town of *Watertown*, referred to in the aforesaid Act of the fifteenth year of his present Majesty, has not been subjected in like manner with the other mill-dams within this Province :

SECT. 4. *Be it therefore enacted*, That if any person or persons whatsoever shall cause the dam of said mill to be raised, so as to prevent the passage of the Fish over the same, at any time between the breaking up of the ice in the winter or spring, and the first day of *May* annually, and in any year hereafter, without the express leave or consent of the Selectmen of the towns of *Watertown* and *Newtown*, every person so offending shall forfeit and pay the sum of *Five Pounds*, for each offence ; to be recovered in any Court of Record proper to try the same, and for the use of him or them that shall inform and sue therefor. [Passed 1745. Not revised.]

Mill-dam in *Watertown* not to be raised in a certain time, except, &c.

C H A P. LVIII.

An ACT for explaining an Act, intituled, "An Act to prevent and make void clandestine and illegal Purchases of Lands from the Indians," so far as relates to the Devise or Bequest of any Real Estate by the last Will and Testament of any Indians.

Preamble.

WHEREAS doubts have arisen, whether the Act passed in the thirteenth year of King *William* the Third, intituled, "An Act to prevent and make void clandestine and illegal purchases of lands from the Indians," doth extend to any devise or bequest of real estate made by the last will and testament of any Indian :

Explanation of
an Act relating
to Indians sell-
ing lands.

Be it therefore declared and enacted by the Governour, Council and House of Representatives, That the said Act was intended to extend, and did, doth, and ought to be understood to extend to all devises of real estates made by the last wills and testaments of any of the said Indians : And all such devises of lands, or other real estate whatsoever, by any last will and testament from any Indian or Indians inhabiting, within this Province, to any English person or persons, that have been heretofore made, and have not been approved by the General Court ; and also all such as shall hereafter be made, unless the approbation of the General Court shall be obtained, are hereby declared utterly void and of no effect. [Passed 1747. Not revised.]

C H A P. LIX.

An ACT in further Addition to the several Acts of this Province, made for the Distribution and Settlement of the Estates of Intestates.

Preamble.

WHEREAS by the Laws of this Province made for the distribution and settlement of the estates of intestates, it is provided, 'That such real estates as cannot (without prejudice to or spoiling them) be divided among all the children of any person dying intestate and leaving children, may be settled on one or so many of them, as the estate will conveniently accommodate ;' but no provision by law has as yet been made for the like settlement of estates (uncapable of a division among all the heirs) where the intestate dies without issue :

Revised,
Mar. 9, 1784.
Settlement of
intestate estates
where there is
no issue.

Be it therefore enacted by the Lieutenant-Governour, Council and House of Representatives, That where the real estate of any person dying intestate and not leaving issue, cannot be divided among all the heirs, without great prejudice to or spoiling the whole, the Judge of the Probate of Wills in the county in
which

which such intestate person last dwelt, shall have power, and he is hereby authorized to order and assign the same to one, or so many of the next of kin to such intestate in equal degree, or their legal representatives, as such estate will conveniently accommodate without prejudice to or spoiling the whole (preference being given to the male heirs, among such as are of kin in equal degree) in manner as the same might by law have been settled on the children of the intestate, in case he or she had left issue. [Passed 1750.]

CHAP. LX.

An ACT for avoiding and putting an End to certain Doubts and Questions, relating to the Attestation of Wills and Codicils, concerning Real Estates, in that Part of *Great-Britain* called *England*, and in His Majesty's Colonies and Plantations in *America*.

Revised,
Feb. 6, 1784;
and repealed.

WHEREAS by an Act made in the twenty-ninth year of the reign of his late Majesty King *Charles* the Second, intituled, "An Act for prevention of frauds and perjuries;" it is amongst other things, enacted, 'That from and after the twenty-fourth day of *June*, in the year of our Lord one thousand six hundred and seventy-seven, all devises and bequests of any lands or tenements devisable, either by force of the statute of wills, or by that statute, or by force of the custom of *Kent*, or the custom of any borough, or any other particular custom, shall be in writing, and signed by the party so devising the same, or by some other person in his presence, and by his express direction; and shall be attested and subscribed in the presence of the said devisor, by three or four credible witnesses, or else they shall be utterly void and of none effect;' which hath been found to be a wise and good provision: But whereas doubts have arisen who are to be deemed legal witnesses, within the intent of the said Act. Therefore, for avoiding the same,

Preamble reciting clause in an Act of 29 *Car.* II.

SECT. I. *Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That if any person shall attest the execution of any will or codicil which shall be made after the twenty-fourth day of June, in the year of our Lord one thousand seven hundred and fifty-two, to whom any beneficial devise, legacy, estate, interest, gift, or appointment of, or affecting any real or personal estate, other than and except charges on lands, tenements or hereditaments, for payment of any debt or debts, shall be thereby given or made; such devise, legacy, estate, interest, gift, or appointment, shall, so far only*

Devisee, &c. attesting the devise, void :

But he admitted to prove Will.

Creditor attesting, admitted a witness to the Will.

Legatee who has been paid, or shall refuse his legacy, admitted a witness to the Will.

After tender and refusal he is barred from the legacy; but after acceptance he may retain the same though the Will be adjudged void.

Legatee attesting and dying in the life-time of the testator, or before he has received or refused his legacy, admitted a witness to the Will.

as concerns such person attesting the execution of such will or codicil, or any person claiming under him, be utterly null and void; and such person shall be admitted as a witness to the execution of such will or codicil, within the intent of the said Act; notwithstanding such devise, legacy, estate, interest, gift, or appointment, mentioned in such will or codicil.

SECT. 2. *And be it further enacted by the authority aforesaid,* That in case by any will or codicil already made, or hereafter to be made, any lands, tenements, or hereditaments are, or shall be charged with any debt or debts; and any creditor, whose debt is so charged, hath attested, or shall attest the execution of such will or codicil; every such creditor, notwithstanding such charge, shall be admitted as a witness to the execution of such will or codicil, within the intent of the said Act.

SECT. 3. *And be it further enacted by the authority aforesaid,* That if any person hath attested the execution of any will or codicil already made, or shall attest the execution of any will or codicil which shall be made on or before the said twenty-fourth day of *June*, in the year of our Lord one thousand seven hundred and fifty-two, to whom any legacy or bequest is or shall be thereby given, whether charged upon lands, tenements or hereditaments, or not; and such person, before he shall give his testimony concerning the execution of any such will or codicil, shall have been paid, or have accepted, or released, or shall have refused to accept such legacy or bequest, upon tender made thereof; such person shall be admitted as a witness to the execution of such will or codicil, within the intent of the said Act, notwithstanding such legacy or bequest.

Provided always, and be it further enacted, That in case of such tender and refusal, as aforesaid, such person shall in no wise be intitled to such legacy or bequest, but shall be forever afterwards barred therefrom; and in case of such acceptance, as aforesaid, such person shall retain, to his own use, the legacy or bequest which shall have been so paid, satisfied, or accepted; notwithstanding such will or codicil shall afterwards be adjudged or determined to be void, for want of due execution, or for any other cause or defect whatsoever.

SECT. 4. *And be it further enacted,* That in case any such legatee, as aforesaid, who hath attested the execution of any will or codicil already made, or shall attest the execution of any will or codicil which shall be made on or before the said twenty-fourth day of *June*, in the year of our Lord one thousand seven hundred and fifty-two, shall have died in the life-time of the testator, or before he shall have received or released the legacy or bequest so given him, as aforesaid, and before he shall have refused to receive such legacy or bequest, on tender made thereof, such legatee shall be deemed a legal witness to the execution of such will or codicil, within the intent of the said Act, notwithstanding such legacy or bequest.

Provided,

Provided always, That the credit of every such witness, so attesting the execution of any will or codicil, in any of the cases in this Act before mentioned, and all circumstances relating thereto, shall be subject to the consideration and determination of the Court and the Jury, before whom any such witness shall be examined, or his testimony or attestation made use of; or of the Court of Equity, in which the testimony or attestation of any such witness shall be made use of; in like manner, to all intents and purposes, as the credit of witnesses in all other cases ought to be considered of and determined.

Credit of the witness to be considered and determined by the Court.

SECT. 3. *And be it further enacted by the authority aforesaid*, That no person to whom any beneficial estate, interest, gift or appointment shall be given or made, which is hereby enacted to be null and void, as aforesaid, or who shall have refused to receive any such legacy or bequest, on tender made, as aforesaid, and who shall have been examined as a witness concerning the execution of such will or codicil, shall, after he shall have been so examined, demand or take possession of, or receive, any profits or benefit of or from any such estate, interest, gift or appointment, so given or made to him in or by any such will or codicil; or demand, receive, or accept, from any person or persons whatsoever any such legacy or bequest, or any satisfaction or compensation for the same, in any manner, or under any colour of pretence whatsoever.

No devisee, where the devise is made void; nor legatee, who has refused to accept of the legacy (being examined to the execution of the Will) shall afterwards demand or take any benefit or compensation for the same.

Provided always, and be it enacted by the authority aforesaid, That this Act, or any thing herein contained, shall not extend, or be construed to extend to the case of any heir at law, or of any devisee, in a prior will or codicil of the same testator, executed and attested according to the said recited Act, or any person claiming under them respectively, who has been in quiet possession for the space of two years next preceding the sixth day of May, in the year of our Lord one thousand seven hundred and fifty-one, as to such lands, tenements and hereditaments, whereof he has been in quiet possession, as aforesaid; and also that this Act, or any thing herein contained, shall not extend, or be construed to extend, to any will or codicil, the validity or due execution whereof hath been contested in any suit in law or equity, commenced by the heir of such devisor, or the devisee in any such prior will or codicil, for recovering the lands tenements, or hereditaments, mentioned to be devised in any will or codicil so contested, or any part thereof, or for obtaining any other judgment or decree, relative thereto, on or before the said sixth day of May, in the year of our Lord one thousand seven hundred and fifty-one, and which has been already determined in favour of such heir at law, or devisee in such prior will or codicil, or any person claiming under them respectively, or which is still depending, and has been prosecuted with due diligence;

Cases particularized, where the validity of Wills and competency of witnesses are not affected by this Act.

diligence ; but the validity of every such will or codicil, and the competency of the witnesses thereto, shall be adjudged and determined in the same manner, to all intents and purposes, as if this Act had never been made ; any thing herein before contained to the contrary thereof in any wise notwithstanding.

Possessions which are not comprehended within the meaning of the preceding clause.

Provided always nevertheless, and it is hereby declared, That no possession of any heir at law, or devisee in such prior will or codicil, as aforesaid, or of any person claiming under them respectively, which is consistent with, or may be warranted by or under, any will or codicil, attested according to the true intent and meaning of this Act, or where the estate descended, or might have descended, to such heir at law, till a future or executory devise, by virtue of any will or codicil attested according to this Act, should or might take effect, shall be deemed to be a possession, within the intent and meaning of the clause herein last before contained.

And whereas in some of the *British colonies or plantations in America*, the said Act of the twenty-ninth year of the reign of King *Charles the Second*, has been received for law, or Acts of Assembly have been made, whereby the attestation and subscription of witnesses to devises of lands, tenements and hereditaments, have been required :

Therefore, to prevent and avoid doubts which may arise in the said colonies or plantations, in relation to the attestation of such devises of lands, tenements and hereditaments ;

This Act to extend to such of the *British colonies in America*, where the Act of 19 *Car. II.* is received as a law, &c.

SECT. 6. *Be it enacted by the authority aforesaid, That this Act, and every clause, matter, and thing therein contained, shall extend to such of the said colonies and plantations, where the said Act of the twenty-ninth year of the reign of King Charles the Second, is by Act of Assembly made, or by usage received as law, or where by Act of Assembly or usage, the attestation and subscription of a witness or witnesses are made necessary to devises of lands, tenements or hereditaments ; and shall have the same force and effect, in the construction of, or for the avoiding of doubts upon the said Acts of Assembly, and laws of the said colonies and plantations, as the same ought to have in the construction of, or for the avoiding of doubts upon, the said Act of the twenty-ninth year of the reign of King Charles the Second, in England.*

Devises, &c. by Wills *Mor.* 1, 1753, to be only void.

Provided always, That as to cases arising in any of the said colonies or plantations in America, no such devise, legacy or bequest, as aforesaid, shall be made null and void, by virtue of this Act, unless the will or codicil whereby such devise, legacy or bequest shall be given, shall be made after the first day of March, which shall be in the year of our Lord one thousand seven hundred and fifty-three. [Passed 1751.]

CHAP. LXI.

An ACT in Addition to an Act, intituled, “ An Act directing how Meetings of Proprietors of Lands lying in common may be called.”

WHEREAS there are sundry tracts of common and undivided lands in this Province lying within no township or precinct, which are owned by considerable numbers of proprietors, and no effectual provision has as yet been made by law, either for calling meetings of the proprietors of such lands, or for the raising and collecting monies granted for the common good and service of such proprietors; whereby the settlement and improvement of such lands have been much obstructed and delayed :

Preamble.

SECT. I. *Be it therefore enacted by the Lieutenant-Governour, Council and House of Representatives,* That whensoever five (where there are so many) or the major part of the owners or proprietors of such common lands (where the number shall be less) shall judge it expedient to have a meeting of the proprietors thereof, and shall thereupon, by writing, apply by petition to any Justice of the Peace for the county wherein such their lands as aforesaid lie, or to a Justice of the Peace through this Province, to call a meeting of any such proprietors as aforesaid, to be had at such time and place, and on such occasions, as shall be expressed in such petition; such Justice so applied unto, is hereby authorized and directed to grant and issue out his warrant, directed to one of the proprietors, desiring such meeting, or to the Clerk of such propriety (if there be one) requiring him to notify and warn the other proprietors of such common lands to meet and assemble together at the time and place appointed therefor as aforesaid; which notice and warning shall be given by advertising the same, with the time, place and occasions of meeting, in the several *Boston* weekly newspapers, forty days at least before the day appointed for such meeting; and such proprietors may, by themselves or their lawful attorneys at such meeting, appoint such a method for calling their meetings for the future as they shall judge most convenient, which shall always be under the same regulations as all other proprietary meetings are, and may choose a Clerk, and such other officers as are usually chosen by other proprietries, then, and from time to time as their occasions shall require, and may transact and pass upon any other matters and affairs, for the benefit of such propriety, which the proprietors of new townships or plantations, granted by this Government, are by law enabled to do, provided such matters be mentioned in the notifications for such meetings; and such Clerk, being duly sworn as the Clerks of other proprietries by law ought to be, shall have the like power with them.

Revised,
Mar. 10, 1784.

Method of
calling pro-
prietors' meet-
ings.

Powers of the
said proprie-
tors, in their
meetings.

To raise moneys for the use of the propriety :

And to make sale of the lands of the delinquents.

SECT. 2. *And be it further enacted*, That such proprietors, at any of their meetings pursuant to this Act, may, by themselves or their lawful attorneys, grant and order any suitable sum or sums of money to be raised and levied upon their several rights in such lands, equally and ratably, according to their respective interests and shares therein, for bringing forward and completing the settlement of such common lands, and for the prosecution or defending any law-suits for or against such proprietors, and for carrying on and managing any other affairs for the common good of such proprietries; and every such proprietor as shall neglect to pay to the Collector or Treasurer or committee of such propriety such sum or sums of money, as shall from time to time be duly granted and voted to be raised and levied upon his right and share in such lands, for the space of six months, to those who live in the Province, and twelve months to those who live out of the Province, after such grant and his proportion thereof shall be published in the several publick prints, as aforesaid; then the committee of the proprietors of such common lands, or the major part of such committee, may, and are hereby fully impowered from time to time at a publick vendue to sell and convey away so much of such delinquent proprietor's right or share in said common lands as will be sufficient to pay and satisfy his tax or proportion of such grant, and all reasonable charges attending such sale, to any person that will give most for the same; notice of such sale being given in the said prints forty days at least before hand, and may accordingly execute and give a good deed or deeds of conveyance of the lands so sold, unto the purchaser thereof, to hold in fee simple.

Provided

Nevertheless, That the proprietor or proprietors, whose right or share in such lands shall be so sold, shall have liberty to redeem the same in twelve months after said sale, by paying the sum the land sold for and charges, together with the further sum of *Twelve Pounds* for each hundred *Pounds*, produced by such sale; and so *pro rata* for any less or greater sum.

[Passed May, 1753.]

C H A P. LXII.

An ACT for impowering the Corporation of *Harvard College*, in certain Cases, to alienate Lands or other Real Estate, and to make Sale of a Farm in *Bellerica*.

Preamble.

WHEREAS the President and Fellows of *Harvard College*, by virtue of the charter of incorporation granted them by the General Court of the late Colony of the *Massachusetts*, in the year 1650, are impowered to purchase and acquire to themselves,

elves, or take and receive, upon free gift or donation, any lands, tenements or hereditaments, not exceeding the value of *Five Hundred Pounds* per annum; but no power is given them by the said charter to alienate any lands or other real estate whatsoever; which, in some cases, may be necessary for promoting the good ends designed in their incorporation:

SECT. 1. *Be it therefore enacted by the Governour, Council and House of Representatives,* That where the President and Fellows of *Harvard College* are or shall become seized of any lands, tenements or hereditaments, by virtue of a judgment recovered on any mortgage, or by virtue of an execution for the satisfaction of a judgment in any personal action (the time allowed by law for redemption being expired), it may and shall be lawful for the said President and Fellows, and they are hereby authorized and impowered, with the advice and consent of the Overseers of said College, to make sale of such lands, tenements and hereditaments, or any part thereof, and to execute deeds effectual in law for conveying the same; the monies arising by such sales to be applied to the uses in the said charter mentioned, and to no other use or purpose whatsoever.

President and Fellows of *Harvard College* impowered to make sale of lands.

And whereas it hath been represented to this Court, that it would be for the interest of the said College, if sale were made of a certain farm or tract of land belonging thereto, which is situated in that part of the town of *Billerica*, called *Shawshin*:

SECT. 2. *Be it therefore enacted,* That it shall be lawful for the President and Fellows of said College to make sale of the said farm or tract of land, and they are hereby authorized to give and execute a good and sufficient deed or deeds of conveyance of the same; the proceeds of such sale to be vested in other real estate, which they may judge will be of greater advantage to that Society. [Passed 1754. Not revised.]

President, &c. to make sale of a farm in *Billerica*.

C H A P. LXIII.

An ACT for the better securing and rendering more effectual Grants and Donations to pious and charitable Uses, and for the better Support and Maintenance of Ministers of the Gospel, and defraying other charges relating to the publick Worship.

WHEREAS many grants and donations have heretofore been made by sundry well-disposed persons, in and by such expressions and terms as plainly show it was the intent and expectation of such grantors and donors, that their several grants and donations should take effect so as that the

Preamble.

estates granted should go in succession : But doubts have arisen in what cases such donations and grants may operate, so as to go in succession : For ascertaining whereof,

Revised,
Feb. 20, 1786.

Deacons and
Church-War-
dens of Prot-
estant church-
es, to take
in succession
grants and
donations, &c.

Ministers to
take in succe-
sion parsonage
lands, &c.

No alienation
to be made
without con-
sent of the
church.

Limitation of
the income of
church-grants.

SECT. 1. *Be it enacted by the Governour, Council and House of Representatives,* That the Deacons of all the several Protestant churches, not being Episcopal churches, and the Church-Wardens of the several Episcopal churches, are and shall be deemed so far bodies corporate, as to take in succession all grants and donations, whether real or personal, made either to their several churches, the poor of their churches, or to them and their successors, and to sue and defend in all actions touching the same; and wherever the Ministers, Elders or Vestry shall, in such original grants or donations, have been joined with such Deacons or Church-Wardens as donees or grantees in succession; in such cases, such officers and their successors, together with the Deacons or Church-Wardens, shall be deemed the corporation for such purposes as aforesaid. And the Minister or Ministers of the several Protestant churches, of whatever denomination, are and shall be deemed capable of taking in succession any parsonage land or lands granted to the Minister and his successors, or to the use of the Ministers, and of suing and defending all actions touching the same; saving that nothing in this Act shall be construed to make void any final judgment of any Court of Common Law or Judge of Probate; saving also, that no alienation of any lands belonging to churches hereafter made by the Deacons without the consent of the church, or a committee of the church for that purpose appointed, or by Church-Wardens without the consent of the Vestry, shall be sufficient to pass the same. And that no alienation hereafter made by Ministers of lands, by them held in succession, shall be valid any longer than during such alienors continuing Ministers, unless such Ministers be Ministers of particular towns, districts or precincts, and make such alienation with the consent of such towns, districts or precincts; or unless such Ministers so aliening be Ministers of Episcopal churches, and the same be done with the consent of the Vestry. And the several churches in this Province, not being Episcopal churches, are hereby empowered to choose a committee, to call the Deacons or other church-officers to an account, and if need be, commence and prosecute any suits touching the same, and also to advise and assist such Deacons in the administration of the affairs aforesaid.

SECT. 2. *And be it further enacted,* That the income of the grants made or to be made to any one such body politick, for pious and charitable uses, shall not exceed the sum of *Three Hundred Pounds* per annum; and also that all such donations hereafter made by deed, which shall not be recorded in the Register's office in the county where the lands lie, three calendar months before the death of the donor; and all such bequests

bequests or devises which shall not be made before the last sickness of the person making the same, or at least three months before the death of the testator, shall be utterly void and of no effect; any thing in this Act contained to the contrary notwithstanding. [Passed 1754.]

C H A P. LXIV.

An ACT to prevent Bribery and Corruption.

SECT. 1. *BE it enacted by the Governour, Council and House of Representatives,* That if any person shall, directly or indirectly, give or engage to pay any sum of money, or other valuable consideration, to another, in order to induce such other person to procure for him, by his interest, influence or any other means whatsoever, any office or place of trust, within this Government, and be thereof convicted, shall forfeit a sum not exceeding *One Hundred Pounds*, nor less than *Twenty Pounds*, at the discretion of the Court which shall have cognizance of the same, and be rendered forever after incapable of sustaining any office or place of trust within this Province.

Persons who shall give or engage any sum of money &c. for any office or place of trust, liable to a penalty.

SECT. 2. *And be it further enacted,* That if any person shall receive of another any sum of money, or other valuable consideration, as a reward for procuring or to procure any office or place of trust, within this Government, for any other person, and be thereof convicted, shall forfeit a sum not exceeding *One Hundred Pounds*, nor less than *Twenty Pounds*, at the discretion of the Court which shall have cognizance of the same. And if such offender be in any such office, he shall, on the conviction, be disabled from holding the same, and be forever after incapable of sustaining any office or place of trust, within this Province. And for the more easy conviction of such offenders :

Persons who shall receive any sum of money, &c. for procuring any office or place of trust, liable to a penalty.

SECT. 3. *Be it further enacted,* That if either of the parties offending, as aforesaid, shall give information upon oath against the other offending party, and shall duly prosecute said information; such informer shall be freed from every the penalties aforesaid.

Persons informing, freed from penalties.

And all offences against this Act shall be heard, tried and determined before the Superior Court of Judicature, Court of Assize and General Gaol Delivery; and all pecuniary penalties accruing thereby, shall be one third thereof to the informer, and the other two thirds to the Province. [Passed 1758. Not revised.]

Offences to be tried before the Court of Assize.

C H A P. LXV.

C H A P. LXVI.

Revised,
Mar. 11, 12,
1784.

An ACT for further regulating the Partition of Real Estates.

Preamble.

WHEREAS the Justices of the Superior Court, in certain cases, and the Judges of Probate, in certain cases, are by law impowered to appoint five freeholders to make partition of real estates: And whereas it is found unnecessary for so great a number to be appointed where the estate to be divided is but of small value:

Justices of the Superior Court and Judges of Probate, respectively, to appoint freeholders to make partition of real estate.

SECT. 1. *Be it therefore enacted by the Governour, Council, and House of Representatives,* That for the future it shall and may be lawful for the Justices of the Superior Court, and Judges of Probate, respectively, to appoint either three freeholders or five, to make partition of real estates, according to the circumstances of the estate to be divided, and as such Justices or Judges of Probate, in their discretion, shall think proper.

And whereas it sometimes happens, that the estate to be divided consists of such distinct tenements, and under such peculiar circumstances, as that an exact partition thereof cannot be made to each of the parties, according to his share in the whole estate, without making such fractional division of a messuage tract of land or other tenement as would be extremely prejudicial to the interested therein: For prevention whereof,

Where lands, &c. cannot be subdivided, may be settled on one of the parties not being a minor.

SECT. 2. *Be it further enacted,* That when any messuage tract of land or other tenement shall be of greater value than either party's purpart or share in the estate to be divided, and cannot at the same time be subdivided, or part thereof assigned to one and part to another, without great inconvenience, the same may be settled on one of the parties not being a minor, he paying for owelty of partition, or to make a just and equitable partition, such sum or sums to such party or parties as by means thereof have less than their share of the real estate, as said dividers shall award; and the part so assigned shall stand charged for the payment thereof. [Passed 1760.]

Revised,
Mar. 10, 1784.

Superi. Court, upon application, to make partition of lands.

SECT. 3. *Be it enacted by the Governor, Council and House of Representatives,* That from and after the publication of this Act, any person or persons interested with any others in any lot or grant of land, making application (either by themselves or their lawful agents, attorneys or guardians) to the Superior Court of Judicature, the said Court (whether then holden in the county where such lands lie, or in any other county within this Province) is hereby authorized and impowered to cause partition to be made of such lands, with the buildings thereon (if any such there be) and the share or shares of the party or parties applying for the same, to be set off and divided from the rest;

rest; such partition to be made by five freeholders, under oath, (or the major part of them) to be appointed by said Court, and a return of such partition to be made into the Clerk's office of said Court, and the partition or division so made, being accepted by the said Court, and there recorded, and also recorded in the Registry of Deeds in the county where such estate lies, shall be valid and effectual to all intents and purposes.

Provided nevertheless, That before such partition be made, where any infants or persons under age, or *non-compos-mentis*, are interested, guardians shall be appointed for all such persons according to law, if they live within this Province: And if any person or persons interested in any such estate happen (at the time when such application shall be made) to have been beyond sea or out of this Province for the space of one year, and not expected to return into the same within the space of six months more, and have no sufficient attorney within the same; that then, and in such cases, the Justices of the said Court shall appoint some discreet and indifferent person or persons, as agent or agents for such absent party or parties, and on his, her or their behalf to be advising in making such partition, and due notice to all concerned (that are known and within this Province) shall be given before such partition be made, that so they may be present (if they see meet) at the time of making the same.

Exception where any persons are *non-compos*, or out of the Province.

Provided also, That no partition be made where any partner shall be beyond sea, and shall not have been absent twelve months, or shall be expected to return within six months; any thing in this Act to the contrary notwithstanding.

Proviso.

Provided also, That if any partner should have a larger share set off than is such partner's true and real interest, or if any share set off should be more than equal in value to the proportion it was set off for; then, and in every such case, upon complaint to the Court which caused said partition to be made, within three years of the making thereof, by any aggrieved partner or partners, who, at the time of making such partition, were out of the Province, and not notified thereof as aforesaid in time for them to be present at the same, the said Court shall cause a partition thereof to be made *de novo*.

Case where the partition may be made *de novo*.

And in such new partition so much and no more shall be taken off from any share, as such share shall be adjudged more than the proportion of the whole it was designed for, estimating such lands as in their original state, or the state they were in when first divided; and in case any improvements shall have been made on the part that may by such new partition be taken off as aforesaid, the partner who made such improvements shall have reasonable satisfaction made them by the partner or partners to whose share the same shall be added, by the estimation of the freeholders employed in making such new partition, or the major part of them. [Passed 1748, and continued in force till revised in 1784.]

SECT.

Revised,
Mar. 9, 1784.

The Judge of
Probate im-
powered to di-
vide real es-
tates given by
Will.

SECT. 4. *Be it enacted by the Lieutenant-Governour, Council and House of Representatives,* That when and so often as any devisee (or his guardian) who holds any real estate in partnership with any other person or persons, by force of any last will and testament, shall make application to the Judge of Probate of Wills, &c. in the county where such estates lie, for a division thereof; it shall and may be lawful for such Judge of Probate, to order the whole of the real estate so devised (or that part of it, the partition whereof is requested) to be divided to and amongst the devisees, in proportion, according to the will of the testator, by five good and discreet freeholders of the same county, to be appointed by the Judge of Probate, and to be sworn to the due performance of that service by the said Judge, or by a Justice of the Peace of the same county, in case the estate to be divided be not within ten miles from the dwelling-house of the said Judge; notice being first given to all parties concerned, to be present at the making of such partition, if they see cause; which partition or division being returned into the Probate office, and approved by the Judge, and there recorded, shall be valid in the law to all intents and purposes, unless, upon the appeal of any party aggrieved at the partition so made, the same should be reversed or altered by the Governour and Council.

And whereas it sometimes happens, that real estates devised by will, lie in common and undivided with other real estate, and in order to a just and more convenient partition or division of the real estate so devised, it may be deemed necessary that partition or division should be first made between the estate so devised, and the other estate lying in common therewith:

Division to be
made where
lands lie in
common.

SECT. 5. *Be it further enacted,* That in every such case it shall and may be lawful for the Judge of Probate of Wills, &c. in the county where such estate lies, to empower the five freeholders, appointed as aforesaid, first to make partition or division between the lands or other real estate given by will, and any other lands or real estate lying in common therewith; notice being first given to all parties, as above directed; and the charge of the division of any estate by virtue of this Act, such charge being first settled and allowed by the Judge, shall be borne by the several persons interested, in proportion to their respective interests therein.

Provisos in
disputable
cases.

Guardians to
be appointed
for minors
out of the
Province.

Provided, That no partition shall be made where the proportion belonging to the devisees, or any of them, shall appear, by the tenor of the devise, to be disputable and uncertain. *Provided also,* That where any of the persons interested are minors, or out of the Province, guardians be first appointed for such minors, according to law, and some discreet and indifferent person be appointed by said Judge, to represent and act for such absent party, who shall be allowed twelve months to appeal to the Governour and Council from such judgment. [Passed 1752, and remained in force till revised in 1784.]

CHAP. LXVII.

An ACT in further Addition to an Act, intituled, "An Act for regulating the Affize of Cask, and preventing Deceit in packing Fish, &c. for Sale," made in the fourth Year of King *William* and Queen *Mary*.

Revised in part, November 9, 1784.

GREAT complaints having been made of fraud in the cask and manner of packing Mackarel and other pickled Fish, notwithstanding the provision heretofore made for preventing it. Therefore,

Preamble.

SECT. 1. *Be it enacted by the Lieutenant-Governor, Council and House of Representatives,* That all casks for pickled Fish shall be made of staves which shall be well worked, twenty-nine inches long, and the head shall be of the diameter of seventeen inches and an half, and the chine or part of the stave without each head, not more than an inch and an half, and the head not more than an inch thick, the cask to have the usual bilge, and to be tight and well made, or otherwise shall hold thirty-one gallons and an half, and be marked before packing by a Guager duly appointed and sworn.

Affize of cask.

SECT. 2. *And be it further enacted,* That the Mackarel and other pickled Fish shall be carefully packed, well salted, and duly filled by a Packer chosen and sworn for the purpose, the whole of each barrel to consist of the same kind of Fish, and every Packer shall brand each barrel, thus made and packed, with the first letter of his Christian name, and his surname at length, and with the first letter of the name of the town where the Fish is packed, for which he shall be paid, by the owner of such Fish, at the rate of *Eight Pence* by the ton, and no more.

Manner of packing Fish, &c.

SECT. 3. *And be it further enacted,* That all and every person or persons who shall, after the first day of *March*, one thousand seven hundred and fifty-eight, offer or shew for sale any cask or casks of Mackarel or other pickled Fish not branded, or smaller than the barrels or casks described above, or where there shall be any fraud in packing the Fish, the person or persons so offering them to sale, shall forfeit such cask of Fish; and any Justice of Peace, on complaint made, may and shall issue his warrant for seizing and securing such forfeiture for trial.

Forfeiture for shewing or offering to sale Fish not described as above.

SECT. 4. *And be it further enacted,* That every Packer who shall pack and brand any barrels, or casks which are smaller than above directed, or fraudulently packed, for every such offence shall incur the penalty of *Twenty Shillings*, for each barrel thus unjustly branded.

Penalty for fraudulent packing or branding.

And inasmuch as it is found very difficult for such persons as are appointed Packers, in sundry maritime towns, to repair, in order to be sworn, to the town where the Court of General Sessions of the Peace is held, which is now requisite:

Packers may
be sworn be-
fore a Justice.

Proviso.

Disposal of
fines.

SECT. 5. *Be it enacted and ordered*, That such Packers may be sworn before any one Justice of the Peace for such county, in such town or place as may be nearest or most convenient, such Justice certifying the caption to the Clerk of the Court of General Sessions of the Peace, at or before the next sitting of said Court. *Provided*, That this Act shall not be construed or understood to prohibit the packing of Oysters or other kinds of Fish in kegs, which have heretofore usually been packed in such small casks.

SECT. 6. *And be it further enacted*, That all fines and forfeitures by this Act, shall be and belong, one half to His Majesty, for the use of this Province, and the other half to him or them who shall inform and sue for the same. [Passed 1757.]

C H A P. LXVIII.

Chap. 40. An ACT in Addition to an Act made and passed in the fifth Year of the Reign of their late Majesties *William and Mary*, intituled, "An Act for Highways."

Revised,
Feb. 27, 1787.

Court of Sessions to appoint
a committee to
lay out or alter
Highways.

Return to be
made to said
Court.

BE it enacted by the Lieutenant-Governour, Council and House of Representatives, That where a new Highway or common Road from town to town or place to place shall be wanting, or where an Highway or common Road already laid out, stated and established, may or can with greater convenience be turned or altered, upon application made to the Justices of the Court of General Sessions of the Peace within the same county, and it being judged by them to be of common convenience or necessity to have such new Way laid out, or old one altered; the said Court be and hereby are empowered to appoint a committee of five disinterested sufficient freeholders in the same county to view and lay out such Highway or Road, (which committee shall give seasonable notice to all persons interested) of the time and place of their meeting, and shall be under oath to perform the said service, according to their best skill and judgment, with most convenience to the publick, and least prejudice or damage to private property; and shall also ascertain the place and course of said Road in the best way and manner they can; which having done, the said committee, or the major part of them, shall make return thereof to the next Court of General Sessions of the Peace to be held in the said county, after the said service is performed, under their hands and seals, to the end the same may be allowed and recorded, and after known for a publick Highway.

[Passed 1757.]

CHAP.

C H A P. LXIX.

An ACT in Addition to the Laws of this Province
relating to Ways.

WHEREAS in and by the Laws of this Province, the Justices in the Courts of General Sessions of the Peace, in the respective counties, are impowered, in certain cases, to lay out particular and private Ways; but no provision by law is made for the discontinuance of such Ways so laid, when they are found not to be necessary: Preamble.

Be it therefore enacted by the Governour, Council and House of Representatives, in General Court assembled, That it shall and may be lawful for the Justices of the respective Courts of General Sessions of the Peace, so often as occasion may require, upon application made by any parties aggrieved at the continuance of such Ways, and all parties interested in such Ways, being duly cited and heard, to discontinue any particular or private Way laid out as aforesaid. Revised,
Mar. 23, 1786.
Court of Sessions impowered to discontinue particular and private Ways. [Passed 1764.]

C H A P. LXX.

An ACT in further Addition to an Act, intituled, "An Act for making of Lands and Tenements liable to the Payment of Debts."

WHEREAS in and by an Act, intituled, "An Act for making of lands and tenements liable to the payment of debts," it is provided, 'That where the goods and chattels, belonging to the estate of any person deceased, shall not be sufficient to answer the just debts which the deceased owed, or legacies given, upon representation thereof, and making the same to appear unto the Superior Court of Judicature, holden for or within the county where such deceased person last dwelt, the said Court are impowered to license and authorize the executor or administrator on such estate, to make sale of all or any part of the houses and lands of the deceased, so far as shall be necessary to satisfy the just debts which the deceased owed at the time of his death, and legacies bequeathed in and by the last will and testament of the deceased: And as it has been found by experience, that the authority to license the sale of real estates given to the said Court, by the said Acts, having been thereby limited and restrained to that particular county where such deceased person last dwelt, has been found much to retard the settlement of such estates, and greatly to delay the payment of the debts due therefrom, and to occasion many expensive law-suits: Preamble.

Therefore,

Therefore, for the preventing such inconveniencies for the future, and for the furtherance of the original intent of the said Act :

SECT. 1. *Be it enacted by the Lieutenant-Governour, Council and House of Representatives,* That in all cases where the said Superior Court, by the said Act, are impowered to license and authorize the sale of any real estate, the said Court henceforward, and hereby are fully impowered to give and grant such license and authority, in any term or sitting of the said Court, in any county within this Province, upon application made to the said Court for the same; whether the county where such application is made be the same county where such deceased person dwelt or not.

Revised,
Mar. 4, 1784.

Inferior Courts
impowered to
license sale of
real estates, to
pay debts of
persons deceased
in their respective coun-
ties.

SECT. 2. *And be it further enacted,* That the Justices of any of the Inferior Courts of Common Pleas for any of the counties, within this Province, are also fully impowered and authorized hereafter, on application to them made, at any Session of such Court, to give and grant license and authority for the sale of any real estate of any person deceased, lying within the county for which such Court shall be held, in all such cases where the said Superior Court, by the abovesaid Act, has been heretofore impowered to grant such license. And that all executors or administrators who may hereafter obtain such license and authority, either from the Superior Court, or any Inferior Court of Common Pleas, shall, in executing the same, in all things conform to the directions of the laws of this Province, which respect the sale of lands under license of the Superior Court, mentioned in the Act in addition whereto this Act is made. [Passed 1770.]

C H A P. LXXI.

Chap. 72.

An ACT against Treason and Misprision of Treason, and for regulating Trials in such Cases, and for directing the Mode of executing Judgments against Persons attainted of Felony.

SECT. 1. *BE it enacted and declared by the Council and House of Representatives, in General Court assembled, and by the authority of the same,* That all persons abiding within this State, and deriving protection from the laws of the same, owe allegiance to this State, and are members thereof; and that all persons passing through, visiting, or making a temporary stay in this State, being intitled to, and actually receiving the protection of the laws during the time of such visitation, or temporary stay, owe, during the same time, allegiance to this State.

Who are the
persons owing
allegiance.

SECT.

SECT. 2. *And be it further enacted by the authority aforesaid,* That all persons, members of, or owing allegiance to this State, as before described, who shall, within or without the limits of this State, levy war, or conspire to levy war against this State, or against any other of the United States of America, or shall, within or without the limits of this State, be adherent to the enemies of this State, or of any other of the said United States, giving to them aid and comfort, within or without the limits of this State, and thereof be proveably attainted of open deed by the people of their condition; such persons shall be taken, deemed and adjudged guilty of Treason against this State, and shall suffer the pains of death without the benefit of clergy.

All persons owing allegiance that shall levy war against this State, and be attainted, shall suffer death.

SECT. 3. *And be it further enacted by the authority aforesaid,* That all persons owing allegiance to any other of the said United States, who shall within this State levy war, or conspire to levy war against this or any other of the said United States, or be adherent to the enemies of this or of any other of the said United States, giving to them aid and comfort within this State, and thereof be proveably attainted of open deed by the people of their condition; such persons shall be taken, deemed and adjudged guilty of Treason against this State, and shall suffer as is afore mentioned.

All persons owing allegiance to any other of the U. States, and shall within this State conspire to levy war, be deemed guilty of Treason.

SECT. 4. *And be it further enacted by the authority aforesaid,* That concealment or keeping secret of any Treason, be deemed and taken only misprision of Treason; and the offender therein shall forfeit, to the use of this State, all his goods and chattels, and the profits of his lands during his life; and shall and may be imprisoned for a term not less than two years, nor exceeding five years, at the discretion of the Court before whom he shall be convicted.

Concealment of any Treason, the offender to forfeit all his goods, and shall suffer imprisonment.

SECT. 5. *And be it further enacted by the authority aforesaid,* That any person who shall know of any Treason to be committed (and is no party or confenter to it) and shall not, within a reasonable time, give information thereof upon oath to one of the Justices of the Superior Court of Judicature, Court of Assize and General Gaol Delivery, or some Justice of the Peace within this State, to the end the offender or offenders therein may be apprehended and be amenable to justice, shall be taken and deemed to be guilty of misprision of Treason, or concealment of Treason.

Any person who shall know of any Treason committed and not give information, shall be guilty of misprision of Treason.

SECT. 6. *And be it further enacted by the authority aforesaid,* That all manner of offences made and declared by this Act, or which shall hereafter be made and declared by any the laws and statutes of this State, to be Treason, misprision of Treason, or concealment of Treason, which shall hereafter be done, perpetrated or committed by any person or persons without the limits of this State, shall be inquired of, heard and determined before the Justices of the Superior Court of Judicature,

Superior Court to have cognizance of all offences against this Act.

capture, Court of Assize and General Gaol Delivery, within such county as the Supreme Executive Authority of this State shall order and direct, by good and lawful men of the same county, in like manner and form, to all intents and purposes, as if such Treasons, misprision of Treasons, or concealment of Treason, had been done, perpetrated and committed within the same county.

Persons indicted, may be outlawed.

SECT. 7. *And be it further enacted by the authority aforesaid,* That any person or persons, being indicted for any the Treasons or misprisions of the Treasons aforesaid, may be outlawed, and thereby attainted of, or for any of the said offences of Treason or misprision of Treason : And that all process of outlawry, hereafter to be made and had within this State, against any offenders in Treason or misprision of Treason, being resistant or inhabitant out of the limits of this State, at the time of the outlawry pronounced against them, shall be as good and effectual in the law, to all intents and purposes, as if any such offenders had been resident and dwelling within this State at the time of such process awarded and outlawry pronounced.

Persons outlawed, in case they surrender within 1 year to the Chief Justice, traverse the indictment may be tried.

SECT. 8. *Provided always, and be it enacted by the authority aforesaid,* That if the party, so hereafter to be outlawed, shall, within one year next after the said outlawry pronounced, or judgment given upon the said outlawry, yield himself unto the Chief Justice of the State, for the time being, and offer to traverse the indictment whereupon the said outlawry shall be pronounced, as is aforesaid ; that then he shall be received to the said traverse, and being thereupon found not guilty, by the verdict of twelve good and lawful men, he shall be clearly acquitted and discharged of the said outlawry, and of all penalties and forfeitures by reason of the same, in as large and ample manner and form as though no such outlawry had been made. And where, after such outlawry, the party outlawed shall come in and be tried as aforesaid, he shall, upon such trial, have the full benefit of this Act.

Forfeiture upon conviction of Treason.

SECT. 9. *And be it further enacted by the authority aforesaid,* That every offender and offenders, being hereafter lawfully convicted of any manner of Treasons by process of outlawry, according to the due course of law, shall lose and forfeit, to the use of this State, all goods and chattels which he shall be possessed of at the time of such conviction, and all lands, tenements and hereditaments which any such offender or offenders shall have, of any estate of inheritance in use or possession, by any right, title or means, within this State or elsewhere, at the time of any such Treason committed, or any time after : saving to every person and persons, their heirs and successors (other than the offenders in any Treasons, their heirs and successors, and such person and persons as claim to any their uses) all such rights, titles, interests, possessions, leases, rents, offices,

offices, and other profits, which they shall have at the day of committing such Treasons, or at any time afore, in as large and ample manner as if this Act had never been made.

Whereas nothing is more just and reasonable, than that persons prosecuted for Treason and misprision of Treason, whereby their liberties, lives, honour, and estates may be lost and taken away, should be justly and equally tried, and that persons, accused as offenders therein, should not be debarred of all just and equal means for defence of their innocency in such cases : In order thereunto, and for the better regulation of trials of persons prosecuted for Treason and misprision of Treason :

SECT. 10. *Be it enacted by the authority aforesaid,* That all and every person and persons whatsoever that shall be accused and indicted for Treason, or for misprision of Treason, shall have a true copy of the whole indictment delivered unto them, or any of them, two full days at the least, before he or they shall be arraigned for the same, whereby to enable them, and any of them, respectively, to advise with counsel thereupon to plead and make their defence ; his or their attorney or attornies, agent or agents, or any of them requiring the same, and paying the officer his reasonable fees for writing thereof, not exceeding *Six Shillings*, for the copy of every such indictment : And that every such person so accused and indicted, arraigned or tried for any Treason, as aforesaid, or for misprision of Treason, shall be received and admitted to make his and their full defence by counsel learned in the law, and to make any proof that he or they can produce by lawful witness or witnesses, who shall then be upon oath for his and their just defence in that behalf : And in case any person or persons, so accused and indicted, shall desire counsel, the Court before whom such person or persons shall be tried, or some Judge of that Court, shall, and is hereby authorized and required, immediately upon his or their request, to assign to such person or persons, such and so many council, not exceeding two, as the person or persons shall desire, to whom such council shall have free access at all seasonable hours.

Persons indicted, to have a copy of the indictment before they make answer thereto.

Counsel allowed to prisoners.

SECT. 11. *And be it further enacted by the authority aforesaid,* That no person or persons whatsoever shall be indicted, tried, or tainted of Treason, or of misprision of Treason, but by and upon the oaths and testimony of two lawful witnesses, either both of them to the same overt act, or one of them to one, and the other of them to another overt act of the same species of Treason, unless the party indicted and arraigned, or tried, shall willingly, without violence, in open Court confess the same.

Two witnesses necessary to a conviction :

Unless, &c.

SECT. 12. *And be it further enacted by the authority aforesaid,* That if any person indicted for Treason, or misprision of Treason, and being arraigned thereupon, shall stand mute, a Jury shall

How mute
persons are to
be dealt with.

shall forthwith be impanelled and sworn to try and say, whether the person so standing mute, standeth mute by the Providence and act of God, or fraudulently, wilfully and obstinately; and if they shall return their verdict, that he standeth mute by the Providence and act of God, the Court shall thereupon cause him to be remanded to prison, and shall not proceed against him until he shall have recovered therefrom; but if the Jury shall return their verdict, that the prisoner so standing mute, standeth mute fraudulently, wilfully and obstinately, then the Court shall cause to be entered upon the indictment against the prisoner the plea of Not Guilty, and shall proceed upon his trial in like manner, in all respects, as if the prisoner had voluntarily pleaded the same plea thereto, and put himself upon God and the country for his trial, except that the prisoner shall not be admitted to make any challenges to the Jurors.

Prisoners pleading to an indictment, may challenge 20 Jurors peremptorily.

SECT. 13. *And be it further enacted by the authority aforesaid,* That every person indicted for Treason, or misprision of Treason, who shall have voluntarily and duly pleaded to such indictment, and put himself upon God and the country for trial, shall be admitted peremptorily to challenge twenty of the Jury, and no more; and if any person indicted as aforesaid, after having voluntarily pleaded as aforesaid, shall refuse to put himself upon God and the country for trial, or shall peremptorily challenge a greater number of the Jury than twenty, the Court shall disallow of all such challenges over and above the said number of twenty; and the Jury shall be charged, and the trial shall proceed in like manner, in all respects, and the like judgment shall be given as would and ought to have been had and given if the person so indicted as aforesaid, and having pleaded as aforesaid, had duly put himself upon God and the country for his trial, and had not peremptorily challenged a greater number of the Jury than in and by this Act he is admitted to challenge.

Attorney-General may not peremptorily challenge any Jurors.

SECT. 14. *And be it further enacted by the authority aforesaid,* That the Attorney-General, or any other person prosecuting for and in behalf of this State, shall not be admitted, in any case whatever, peremptorily to challenge any Juror about to be impanelled for the trial of any criminal accusation or charge.

One witness to one overt act, and another to a second, is not two witnesses in this Act intended.

SECT. 15. *And be it further enacted by the authority aforesaid,* That if two or more distinct Treasons, of divers heads or kinds, shall be alleged in one bill of indictment, one witness produced to prove one of the said Treasons, and another witness produced to prove another of the said Treasons, shall not be deemed or taken to be two witnesses to the same Treason, within the meaning of this Act.

SECT. 16. *And be it further enacted by the authority aforesaid,* That no evidence shall be admitted or given of any overt act that is not expressly laid in the indictment against any person or persons whatsoever.

No evidence to be offered to a fact not charged in the indictment.

SECT. 17. *And be it further enacted by the authority aforesaid,* That all and every person and persons who shall be accused, indicted and tried for Treason, as aforesaid, or for misprision of Treason, shall have copies of the pannel of the Jurors who are to try them, delivered unto them and every of them so accused and indicted, respectively, two days at least before he or they shall be tried for the same: And that all persons so accused and indicted for any Treason, as aforesaid, or for misprision of Treason, shall have the like process of the Court where they shall be tried, to compel their witnesses to appear for them at any such trial or trials, as is usually granted to compel witnesses to appear against them.

Prisoners to have a list of the Jurors two days before trial; and to have proofs to compel witnesses to appear for them.

SECT. 18. *And be it further enacted by the authority aforesaid,* That no indictment, for any of the offences aforesaid, nor any process or returns thereupon, shall be quashed on the motion of the prisoner or his counsel, for mis-writing, mis-spelling, false or improper English, unless exception concerning the same be taken and made in the respective Courts where such trial shall be, by the prisoner or his counsel, assigned before any evidence given in open Court upon such indictment; nor shall any such mis-writing, mis-spelling, false or improper English, after conviction on such indictment, be any cause to stay or arrest judgment thereupon.

No indictment to be quashed for false grammar, &c. unless exception is seasonably taken.

SECT. 19. *And be it further enacted by the authority aforesaid,* That judgment given upon any indictment shall and may be liable to be reversed upon a writ of error, to be brought by the person thereby attainted, or, in case of his death, by any of his heirs, in the same Court wherein such judgment was had and given.

Judgment given upon indictment liable to a reversal by a writ of error.

And to the intent that the terror and dread of such criminal prosecutions may in some reasonable time be removed:

SECT. 20. *Be it further enacted by the authority aforesaid,* That no person or persons whatsoever shall be indicted, tried or prosecuted for any Treason, or for misprision of Treason, that shall be committed or done in violation of this Act, unless the indictment for the same be found within three years next after the Treason done or committed.

Limitation.

SECT. 21. *Provided always, and be it further enacted by the authority aforesaid,* That this Act, or any thing therein contained, or any attainder or attainders of any person or persons, for any offence or offences made Treason by this Act, shall not in any wise extend, or be judged, interpreted or expounded to make any corruption of blood to any the heir or heirs of any such offender or offenders, or to make the wife of any such offender to lose or forfeit her dower of or in any

Attainders upon this Act, not to make any corruption of blood.

lands, tenements or hereditaments, or her title, action or interest in or to the same; any thing in this Act contained, or any other law, to the contrary notwithstanding.

SECT. 22. And be it further enacted by the authority aforesaid, That this State shall be deemed and adjudged in actual and real possession of the lands, tenements, hereditaments, uses, goods, chattels, and all other things of the offender attainted of Treason or misprision of Treason, as aforesaid, which such offender, so being attainted, ought or might lawfully lose and forfeit, to the use of this State, immediately upon such attainder.

SECT. 23. And be it further enacted by the authority aforesaid, That every person who shall be attainted of Treason, within this State, whether male or female, shall be punished by being hanged by the neck until they are dead, and not otherwise; any law or custom to the contrary notwithstanding.

SECT. 24. And be it further enacted by the authority aforesaid, That no person upon whom sentence or judgment of death shall be passed or given by the Justices of the Superior Court of Judicature, Court of Assize, and General Gaol Delivery, shall be executed and put to death, in pursuance of such judgment, before the whole record of such proceedings or case be certified by the Clerk of the same Court, under the seal thereof, to the Supreme Executive Authority of this State, nor until a warrant shall be issued by the said Supreme Executive Authority, under the great seal of this State, with a copy of the record thereunto annexed, directed to the Sheriff of the county wherein the trial of the person so attainted, as aforesaid, was had, commanding the same Sheriff to cause execution to be done upon the person so attainted, as aforesaid, in all things, according to the judgment against him. And the Sheriff to whom such warrant shall be directed is hereby authorized and required to execute the same in due form of law.

SECT. 25. Provided always, and be it further enacted by the authority aforesaid, That such parts of this Act as relate to the regulation of trials, shall not extend, or be construed to extend to any impeachment or other proceeding in the General Assembly of this State. [Passed 1777. Not revised.]

This Act not to extend to impeachments in the General Assembly.

C H A P. LXXII.

An ACT in Addition to an Act, intituled, "An Act against Treason, Misprision of Treason, and Concealment of Treason, and for regulating Trials in such Cases, and for directing the Mode of executing Judgments against Persons attainted of Felony."

Preamble.

WHEREAS in and by the same Act it is enacted and declared, 'That all manner of offences thereby made and

and declared, or which should thereafter be made and declared by any law or statute of this State, to be Treason, misprision of Treason, or concealment of Treason, which should thereafter be done, perpetrated or committed by any person or persons without the limits of this State, should be inquired of, heard and determined before the Justices of the Superior Court of Judicature, Court of Assize and General Gaol Delivery, within such county as the Supreme Executive Power should order and direct : From whence great inconvenience and delay may arise :

Be it therefore enacted by the Council and House of Representatives, in General Court assembled, and by the authority of the same,

That any person, inhabitant of this State, who now is, or who hereafter shall be guilty of any offence, which, by any statute or law of this State, has been, or hereafter shall be declared to be Treason, misprision of Treason, or concealment of Treason, and which has been, or hereafter shall be done, perpetrated or committed without the limits of this State ; such person shall be tried therefor before the Superior Court of Judicature, Court of Assize and General Gaol Delivery, holden for the county whereof such person is an inhabitant, in the same manner, to all intents and purposes, as if the same offence had been done, perpetrated and committed in the same county ; and shall, if thereof convicted in the same county, be adjudged and punished in the same manner as if the said offence had been therein committed.

Persons guilty, to be tried before the Superior Court of Judicature, &c. holden for the county where such person is an inhabitant.

[Passed January 25, 1779.]

C H A P. LXXIII.

An ACT to confiscate the Estates of certain notorious Conspirators against the Government and Liberties of the Inhabitants of the late Province, now State, of *Massachusetts-Bay*.

WHEREAS the several persons hereinafter mentioned have wickedly conspired to overthrow and destroy the Constitution of Government of the late Province of *Massachusetts-Bay*, as established by the Charter agreed upon by and between their late Majesties *William* and *Mary*, late King and Queen of *England*, &c. and the inhabitants of said Province, now State, of *Massachusetts-Bay* ; and also to reduce the said inhabitants under the absolute power and domination of the present King, and of the Parliament of *Great-Britain* ; and, as far as in them lay, have aided and assisted the same King and Parliament in their endeavours to establish a despotic government over the said inhabitants :

Preamble.

Persons named who have justly incurred the forfeiture of all their property, rights and liberties.

SECT. 1. *Be it enacted by the Council and House of Representatives, in General Court assembled, and by the authority of the same,* That *Francis Bernard*, Baronet, *Thomas Hutchinson*, Esq. late Governors of the late Province, now State, of *Massachusetts-Bay*, *Thomas Oliver*, Esq. late Lieutenant-Governor, *Harrison Gray*, Esq. late Treasurer, *Thomas Flucker*, Esq. late Secretary, *Peter Oliver*, Esq. late Chief Justice, *Foster Hutchinson*, *John Erving*, jun. *George Erving*, *William Pepperell*, Baronet, *James Boutineau*, *Josua Loring*, *Nathaniel Hatch*, *William Browne*, *Richard Lechmere*, *Josiah Edson*, *Nathaniel Rea Thomas*, *Timothy Ruggles*, *John Murray*, *Abijah Willard*, and *Daniel Leonard*, Esqrs. late Mandamus Counsellors of said late Province; *William Burch*, *Henry Hulton*, *Charles Paxton*, and *Benjamin Hallowell*, Esqrs. late Commissioners of the Customs, *Robert Auchmuty*, Esq. late Judge of the Vice-Admiralty Court, *Jonathan Sewall*, Esq. late Attorney-General, *Samuel Quincy*, Esq. late Solicitor-General, *Samuel Fitch*, Esq. Solicitor or Counsellor at Law to the Board of Commissioners, have justly incurred the forfeiture of all their property, rights and liberties, holden under and derived from the government and laws of this State; and that each and every of the persons afore named and described, shall be held, taken, deemed and adjudged to have renounced and lost all civil and political relation to this and the other United States of *America*, and be considered as aliens.

Estates so forfeited, to be for the use of the Government and people of this State.

SECT. 2. *Be it enacted by the authority aforesaid,* That all the goods and chattels, rights and credits, lands, tenements and hereditaments of every kind, of which any of the persons herein before named and described were seized or possessed, or were entitled to possess, hold, enjoy or demand, in their own right, or which any other person stood or doth stand seized or possessed of, or are or were entitled to have or demand to and for their use, benefit and behoof, shall escheat, enure and accrue to the sole use and benefit of the government and people of this State, and are accordingly hereby declared so to escheat, enure and accrue; and the said government and people shall be taken, deemed and adjudged, and are accordingly hereby declared to be in the real and actual possession of all such goods and chattels, rights and credits, lands, tenements and hereditaments, without further inquiry, adjudication or determination hereafter to be had; any thing in the Act, entitled, “An Act for confiscating the estates of certain persons commonly called Absentees,” or any other law, usage, or custom to the contrary notwithstanding: *Provided always,* That the escheat shall not be construed to extend to, or operate upon, any goods, chattels, rights, credits, lands, tenements or hereditaments, of which the persons afore named and described, or some other, in their right and to their use, have not been seized or possessed, or entitled to be seized or possessed,

Proviso.

fessed, or to have or demand, as aforesaid, since the nineteenth day of *April*, in the year of our Lord one thousand seven hundred and seventy-five.

SECT. 3. *And be it further enacted by the authority aforesaid,* That all debts justly due from any of the persons afore named and described, to any subject of the United States of *America*, before the said nineteenth day of *April*, *A. D.* one thousand seven hundred and seventy-five, shall be payable out of their respective estates.

Debts due before the 19th of *April*, 1775, to be paid out of their estates.

SECT. 4. *And be it further enacted by the authority aforesaid,* That where the wife or widow of any of the persons afore named and described, shall have remained within the jurisdiction of any of the said United States, and in parts under the actual authority thereof, she shall be entitled to the improvement and income of one third part of her husband's real and personal estate, after payment of debts, during her life and continuance within the said United States; and her dower therein shall be set off to her by the Judges of Probate of Wills, in like manner as it might have been, if her husband had died intestate and a liege subject of this State.

The widows of persons described, to have the improvement of $\frac{1}{3}$ of their husband's estates.

SECT. 5. *And be it further enacted by the authority aforesaid,* That if any person, whose estate is by this Act adjudged to have escheated, as aforesaid, shall not have any wife or widow entitled to any part thereof, by virtue of this Act, shall have any relations (collateral kindred excepted) who may not be of sufficient ability to support themselves, without some allowance out of the estate of such person to whom they stand related, as aforesaid, that the Judge of Probate of Wills, who shall have the right of appointing agents for such estate, be and he hereby is authorized and directed to fix a competent allowance, from time to time, for the comfortable support of all such relations, having respect to the value of such estate.

Judge of Probate empowered, in certain cases.

[Passed *April* 30, 1779. Not revised.]

C H A P. LXXIV.

An ACT for confiscating the Estates of certain Persons commonly called Absentees.

WHEREAS every government hath a right to command the personal services of all its members, whenever the exigencies of the State shall require it, especially in times of an impending or actual invasion, no member thereof can then withdraw himself from the jurisdiction of the government, and thereby deprive it of the benefit of his personal services, without justly incurring the forfeiture of all his property, rights and liberties, holden under and derived from that Constitution of Government, to the support of which he hath refused

Preamble.

refused to afford his aid and assistance : And whereas the King of *Great-Britain* did cause the Parliament thereof to pass divers Acts in direct violation of the fundamental rights of the people of this, and of the other United States of *America* ; particularly one certain Act to vacate and annul the Charter of this Government, the great compact made and agreed upon between his royal predecessors and our ancestors ; and one other Act, declaring the people of said States to be out of his protection ; and did also levy war against them, for the purpose of erecting and establishing an arbitrary and despotic government over them : Whereupon it became the indispensable duty of all the people of said States forthwith to unite in defence of their common freedom, and by arms to oppose the fleets and armies of the said King ; yet, nevertheless, divers of the members of this, and of the other United States of *America*, evilly disposed, or regardless of their duty towards their country, did withdraw themselves from this, and other of the said United States, into parts and places under the acknowledged authority and dominion of the said King of *Great-Britain*, or into parts and places within the limits of the said States, but in the actual possession and under the power of the fleets or armies of the said King ; thereby abandoning the liberties of their country, seeking the protection of the said King, and of his fleets or armies, and aiding or giving encouragement and countenance to their operations against the United States aforesaid :

SECT. I. *Be it enacted by the Council and House of Representatives, in General Court assembled, and by the authority of the same,* That every inhabitant and member of the late Province, now State, of *Massachusetts-Bay*, or of any other of the late Provinces or Colonies, now United States, of *America*, who, since the nineteenth day of *April*, Anno Domini, one thousand seven hundred and seventy-five, hath levied war, or conspired to levy war, against the government and people of any of the said Provinces or Colonies, or United States ; or who hath adhered to the said King of *Great-Britain*, his fleet or armies, enemies of the said Provinces or Colonies, or United States, or hath given to them aid or comfort ; or who, since the said nineteenth day of *April*, Anno Domini, one thousand seven hundred and seventy-five, hath withdrawn, without the permission of the Legislative or Executive Authority of this or some other of the said United States, from any of the said Provinces or Colonies, or United States, into parts and places under the acknowledged authority and dominion of the said King of *Great-Britain*, or into any parts or places within the limits of any of the said Provinces, Colonies, or United States, being in the actual possession and under the power of the fleets or armies of the said King ; or who, before the said nineteenth day of *April*, Anno Domini, one thousand seven hundred and seventy-five,

Persons who have aided and assisted the enemy since the 19th of *April*, and have withdrawn themselves, to be considered as aliens.

seventy-five, and after the arrival of *Thomas Gage*, Esq. (late Commander in Chief of all His Britannic Majesty's forces in *North-America*) at *Boston*, the metropolis of this State, did withdraw from their usual places of habitation within this State, into the said town of *Boston*, with an intention to seek and obtain the protection of the said *Thomas Gage*, and of the said forces, then and there being under his command; and who hath died in any of the said parts or places, or hath not returned into some one of the said United States, and been received as a subject thereof, and (if required) taken an oath of allegiance to such States; shall be held, taken, deemed and adjudged to have freely renounced all civil and political relation to each and every of the said United States, and be considered as an alien.

SECT. 2. *And be it further enacted by the authority aforesaid*, That all the goods and chattels, rights and credits, lands, tenements and hereditaments of every kind, of which any of the persons herein before described were seized or possessed, or were entitled to possess, hold, enjoy or demand, in their own right, or which any other person stood or doth stand seized or possessed of, or are or were entitled to have or demand to and for their use, benefit and behoof, shall escheat, enure and accrue to the sole use and benefit of the government and people of this State, and are accordingly hereby declared so to escheat, enure and accrue.

Estate of persons described shall escheat, enure and accrue to the sole use and benefit of the government and people of this State.

Provided always, That the escheat shall not be construed to extend to, or operate upon any goods, chattels, rights, credits, lands, tenements and hereditaments, of which the persons afore described, or some other, in their right and to their use, have not been seized or possessed, or were entitled to be seized or possessed of, or to have or demand, as aforesaid, since the nineteenth day of *April*, Anno Domini, one thousand seven hundred and seventy-five, and at or after the time of the offence committed.

Proviso.

And whereas it is necessary that some mode of trial should be instituted, whereby to determine what estates are forfeited and do escheat, by force of this Act, and whereby those persons who may be accused of offences, in this Act described, may have their property defended in the best manner that their situation will admit of:

SECT. 3. *Be it therefore enacted by the authority aforesaid*, That the Attorney-General of this State, or such other person as he shall especially appoint for that purpose, may and shall exhibit to the Justices of any Inferior Court of Common Pleas for any county within this State, wherein such estate lies, a complaint against any person who hath offended in manner before in this Act described, and who, at the time of such offence committed, or at any time, whereby the same is or may be forfeitable, according to this Act, owned or held any lands,

Attorney-General to exhibit to the Justices of Infer. Courts of Com. Pleas, within this State, complaints against persons so described.

tenements

tenements or chattels real whatsoever, within such county ; therein setting forth, clearly and plainly, the offence such person is charged with, and a full and true description of the estate in such complaint demanded as forfeited and escheated : And the Justices of the same Court shall thereupon continue the same suit to the then next Court, and shall order their Clerk to make out a notification thereof, containing description of the lands and tenements alleged to have escheated and to be forfeited, as aforesaid ; and shall cause the Sheriff of the same county, his under-sheriff or deputy, or any Constable of the town wherein such lands or tenements lie, to leave an attested copy thereof at the mansion-house on the premises demanded, or, in case there be no mansion-house thereon, to post up the same in some public place in the towns, district or plantation in which such lands and tenements lie ; and shall also cause an attested copy of such notification to be left, as aforesaid, at the last and usual place of abode of the person charged, if any he had within this State, thirty days at least before the sitting of the Court to which the same suit shall be continued.

An attested copy to be left at the mansion house, or in case.

No person appearing, the cause to be continued, unless.

The issue to be tried by a Jury.

And if no person shall then appear to take upon him the defence of the suit, the Court shall further continue it to the then next Court, where the same shall be tried, unless the Court shall then have good and sufficient cause again to continue the same suit ; and before they proceed to the trial of the same, shall cause proclamation to be made for any person or persons who have claim to the same estate, in such complaint mentioned, described and demanded, either in their own right, or on the part and behalf of the person accused, or of any person whomsoever, to come and defend the same suit : And such Court shall admit as a party, any person or persons who shall appear to take the defence of the same upon him or them, as aforesaid ; and the issue shall be tried by a Jury, in the known and ordinary course of law used and approved in this State, to try whether such estate demanded, or any part of it, is forfeited, and ought to escheat by force of this Act ; and if such Jury shall return their verdict, that they find the same estate, or any part thereof, forfeited, as aforesaid, the Court shall proceed to give judgment thereon, and issue a writ of *Habere Facias Possessionem*, in behalf of the government and people, to cause them to be seized and possessed of the same.

Provido.

SECT. 4. *Provided nevertheless, and be it further enacted by the authority aforesaid,* That an appeal shall be allowed, from the judgment of any Inferior Court of Common Pleas, to the Superior Court of Judicature, Court of Assize and General Gaol Delivery, as in other real actions.

SECT. 5. *And be it further enacted by the authority aforesaid,* That when judgment shall be given by the Superior Court of Judicature, Court of Assize and General Gaol Delivery, for the forfeiture of the estate of any person, charged as aforesaid, that

that in all prosecution for other parts of such person's estates, in that or any other county, the only question shall be, whether the premises demanded are the property of the person, a part of whose estate hath been adjudged forfeited, as aforesaid; And all complaints, pleas and issues, shall be regulated accordingly; and no evidence of such adjudication shall be allowed, other than the record of the same, or an authenticated copy thereof.

The question in consequence of forfeiture.

SECT. 6. *Provided always, and be it further enacted by the authority aforesaid,* That all the debts justly due before the time of the offence committed, to any subject of the said United States, from any of the persons afore described, shall be payable out of their respective estates.

Proviso.

SECT. 7. *And be it further enacted by the authority aforesaid,* That where the wife or widow of any of the persons afore described, shall have remained within the jurisdiction of any of the said United States, and in part under the actual authority thereof, she shall be entitled to the improvement and income of one third part of her husband's real and personal estate, after payment of debts, during her life and continuance within the said United States; and her dower therein shall be set off to her by the Judges of Probate of Wills, in like manner as it might have been, if her husband had died intestate within the jurisdiction of this State.

The wife or widow to be entitled to $\frac{1}{3}$ of the improvement of her husband's estate.

To be set off by the Judge of Probate.

SECT. 8. *And be it further enacted by the authority aforesaid,* That if any person, whose estate shall be adjudged to have been cheated, as aforesaid, and who shall not have any wife or widow entitled to any part thereof, by virtue of this Act, and shall have within this State any relations (collateral kindred excepted) who may not be of sufficient ability to support themselves, without some allowance out of the estate of such person to whom they stand related, as aforesaid, that the Judge of Probate, &c. who shall have the right of appointing agents for such estate, be and hereby is authorized and directed to fix a competent allowance, from time to time, for the comfortable support of all such relations as are afore mentioned, having respect to the value of such estates.

Enacting clause.

SECT. 9. *And be it further enacted by the authority aforesaid,* That nothing in this Act contained shall be construed to prevent the full operation of the Act, entitled, "An Act against Treason and Misprision of Treason, and for regulating Trials in such Cases, and for directing the Mode of executing Judgments against Persons attainted of Felony;" but every part thereof shall be and remain in as full force and effect, as if this Act had never been made.

[Passed April 30, 1779. Not revised.]

C H A P. LXXV.

An ACT in Addition to and for the Alteration of some of the Provisions of an Act, entitled, "An Act for confiscating the Estates of certain Persons commonly called Absentees;" it is among other Things provided, the Justices of the same Court, where any Complaint is exhibited in Pursuance of the said Law, shall order their Clerk to cause the Notifications, as in the said Law is described, to be served by the Sheriff or Constable, and that the Issue shall be tried by a Jury, in Cases where no Claim is made; by Means whereof great and needless Expenses are incurred, and the good Intentions of said Act are not so well answered.

SECT. 1. *BE it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing this Act, when any complaint shall be exhibited in any Court, or is now depending therein, in pursuance of the said law, then the Justices of the same Court shall order the notification, as in the said law is described, to be published in three of the public news-papers of this Commonwealth, thirty days at least before the sitting of the said Court, to which the same suit shall be continued; which notification, so published, shall avail, to all intents and purposes, instead of the notification being served by the Sheriff, &c. as by the said law is provided.

Where complaints are exhibited the Justices to order a notification in 3 public newspapers.

SECT. 2. *And be it further enacted by the authority aforesaid,* That when no person shall appear to take upon him the defence of the said suit, as mentioned in the said Act, that the Justices of the same Court shall cause proclamation, as in said Act is provided, and that then judgment shall be rendered thereon, that the same be forfeited, as by the said law is expressed, without any trial by a verdict of a Jury; which shall avail, to all intents and purposes, as though the estates alleged to be forfeited were so found by the verdict of a Jury.

When persons do not appear to defend their suit, the Justices to cause proclamation, and then judgment to be rendered thereon.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the legal expenses of copies of record, witness, Sheriff's fees, Jury fees and Court fees, incurred by prosecuting the said complaints to final judgment and execution, shall be taxed by the said Court, and laid before the General Court for allowance and payment.

The expenses incurred in prosecuting complaints to be laid before the Gen. Court, for allowance and payment.

[Passed December 4, 1780.]

CHAP.

C H A P. LXXVI.

An ACT in Addition to, and for the Explanation of an Act, entitled, “ An Act in Addition to, and for the Alteration of some of the Provisions of an Act, entitled, “ An Act for confiscating the Estates of certain Persons commonly called Absentees.”

WHEREAS by the same Act it is provided, ‘ That when any complaint shall be exhibited in any Court, or is now depending therein, in pursuance of the said Law, that the Justices of the same Court shall order the notification, as in the said Law is described, to be published in three of the public news-papers of this Commonwealth, thirty days at least before the sitting of the said Court, to which the same suit shall be continued :’ And whereas certain complaints have been exhibited before the Justices of the Inferior Court of Common Pleas in the counties of *Suffolk* and *Worcester*, upon which notifications have issued and were duly served, according to the said Law first mentioned, and before the said additional Act was made ; and in the Inferior Court of Common Pleas for said county of *Worcester*, judgment has been, in divers cases since, given upon default, without any advertisement in the public news-papers.

Preamble.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said notifications upon the said complaints, as before described, shall be good and valid, within the true meaning and intent of the said additional Act, and to all the purposes thereof ; and that the judgments founded thereon are and shall be good and valid, the said notifications not being published in the news-papers notwithstanding ; and that the Justices of the Inferior Court of Common Pleas in the county of *Suffolk*, may proceed on all such complaints now pending before them, according to the directions of the said additional Act, though the notifications of them have not been published in the news papers. [Passed January 18, 1781.]

Notifications made valid, their not being published notwithstanding.

C H A P. LXXVII.

An ACT to provide for the Payment of Debts due from the Conspirators and Absentees, and for the Recovery of Debts due to them.

WHEREAS, by a certain Act made in the year of our Lord one thousand seven hundred and seventy-nine, entitled,

Preamble.

entitled, "An Act to confiscate the Estates of certain notorious Conspirators against the Government and Liberties of the Inhabitants of the late Province, now State, of *Massachusetts-Bay*;" and another certain Act, passed A. D. one thousand seven hundred and seventy-nine, entitled, "An Act for confiscating the Estates of certain Persons commonly called Absentees;" it is enacted, 'That all the debts justly due before the offence committed, to any subject of the United States, from any of the persons afore described, shall be payable out of their respective estates:'. And whereas, by another Act, passed A. D. one thousand seven hundred and seventy-seven, entitled, "An Act to prevent the Waste, Destruction and Embezzlement of the Goods or Estates of such Persons who have left the same, and fled to our Enemies for Protection; and also for the Payment of their just Debts out of their Estates;" the particular mode, way and manner of ascertaining the just debts of said persons is particularly described and set forth:

Committees to
sell real estates
of Absentees.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That Committees be appointed and empowered, within each county in this State, to sell the real estates of the Conspirators and Absentees.

Debts due, to
be discharged.

SECT. 2. *And be it further enacted,* That the debts due therefrom shall be equitably discharged, and the residue paid into the public Treasury; but where the estates aforesaid are involved by any mortgages or attachments whatever, said mortgages and attachments shall be discharged in preference, according to law: the other species of debts be afterwards paid; and the residue of said Conspirators' and Absentees' estates (if any) be lodged in the public treasury.

Preference to
be given to
mortgages and
attachments.

One third of
the real estate
of Absentees,
to be exempt-
ed from sale
where any wife
or widow of
said Conspira-
tors remain in
this Common-
wealth,

Provided always, That where any wife or widow of any Conspirators or Absentee remains in this Commonwealth, one third part of the real estate aforesaid shall be exempt from said sales, and shall be allotted as dower to the support of the wife or widow of any Conspirators and Absentee resident in this Commonwealth; and after her death, shall be sold for the benefit of the creditors, or the Commonwealth, as the case may be.

In case

SECT. 3. *And be it enacted by the authority aforesaid,* That in case the proceeds of any Conspirators' or Absentees' real and personal estates shall not be sufficient to pay all the demands upon the same, as aforesaid, the creditors thereto shall be paid in proportion to their respective demands, so far as the same will go towards the discharge of said debts, according to law.

SECT. 4. *And be it further enacted by the authority aforesaid,* That where it shall appear, from the report of Commissioners appointed by the Judges of Probate for the several counties within

within

within this Commonwealth, that allowances have been made to the creditors of the Conspirators and Absentees aforesaid, for the depreciation of the paper currency, said reports shall be recommitted to the said Commissioners, or, in case of their death, absence or refusal, new ones shall be appointed by the Judges of Probate in their room; which Commissioners are hereby authorized and directed to take off said allowances, and resolve said demands into their original value, at the time said debts were contracted, provided payment has not been made, agreeable to said reports.

Where Commissioners have reported that allowances have been made for depreciation, said reports to be recommitted: Or in case

SECT. 5. *And be it further enacted by the authority aforesaid,* That where any Commissioners of Claims have not adjusted and reported on the demands of any creditor, said Commissioners shall give due notice thereof to the Judge of Probate who appointed them; and the said Judge shall, by warrant under his hand and seal, authorize and appoint, and is hereby empowered to authorize and appoint, some meet and discreet person, to appear before said Commissioners, and there, in behalf of this Commonwealth, to object to all such proofs offered in support of said claims, as shall be repugnant to law and equity; and in all cases to defend said estates against any collusive or fraudulent claims. And the said Commissioners, if they find said claims, or any part of them, supported, they are hereby empowered and directed to liquidate the same, and report to the Judge of Probate, and the same shall be allowed accordingly.

Judges of Probate authorized to appoint some suitable person to appear in behalf of this Commonwealth.

SECT. 6. *And be it further enacted,* That each creditor to the estates of said Conspirators or Absentees, shall take and repeat the following oath or affirmation before said Commissioners, who are hereby empowered and directed to administer the same, *viz.*

I *A. B.* creditor to *C. D.* a Conspirator or Absentee, do hereby declare and make solemn oath, that the demands now exhibited by me against the said *C. D.* are just and true; and that I have not, directly or indirectly, by myself, or by any other person, for or under me, received any part of said demand; and that I know of no debt or demands whatever of said *C. D.* against me, more than the sum or articles I have credited said *C. D.* for, and now exhibited. *So help me GOD.*

Form of the oath to be taken by the creditors to the estates of Conspirators.

And whereas it is to be feared, that some persons are so lost to all sense of religion or moral obligation as to forswear themselves for the sake of gain:

SECT. 7. *Be it further enacted by the authority aforesaid,* That whenever the said Commissioners have, in their own minds, just cause of suspicion that the demands exhibited by any creditor against any Conspirator or Absentee are not just and true, they are hereby directed to require of said creditor, besides his own oaths or affirmation, and before they allow his demands,

The character of creditors to be inquired into, whenever Commissioners have a just cause of suspicion.

demands, that he bring before them two respectable freeholders of the town where he belongs, of whom said Commissioners shall inquire, concerning the character of said creditor, and whether they know of his dealings with said Conspirator or Absentee; and whether they think there is probable cause to suppose the demands exhibited are just; and if, after such inquiry, they have reason to think the said demands are well proved, they shall allow the same; otherways, not.

Persons indebted to Absentees by book, bond &c. to be compelled to discharge the same.

SECT. 8. *And be it further enacted*, That where any debts are due to any of the said Conspirator or Absentees, by book, bond, note, or any assignable specialty, and the agents or administrators on the estates of said Conspirator or Absentees, respectively, are in possession of such books, bonds, notes or assignable specialties, the persons so indebted shall be compellable, by suits at law, to be instituted in the names of the agents or administrators of said estates, respectively, to discharge all such debts as aforesaid: And all Courts of Law, before whom said debts are proved, shall make up judgment in favour of said agents or administrators accordingly. And the same shall be disposed of for the payment of debts, &c. as aforesaid. And where any person is indebted, as aforesaid, and the agent or administrator is not in possession of the books or bonds, and the person so indebted is inclined to discharge his debt, the Treasurer of this Commonwealth is hereby authorized and directed to receive said debts or part thereof, and give two receipts therefor, one of which shall be lodged in the Secretary's office by said debtor, and the other receipts shall be a good and sufficient discharge in law for so much of said debt as the real value of the money receipted for amounts to, which real value if paid in bills of credit, shall be determined as established in an Act passed this present session of the General Court, entitled, "An Act for repealing certain parts of an Act postponing the payment of government securities," &c. &c.

Provido.

Provided always, That the claims against the estates of the Conspirators and Absentees which said person is indebted, do not exceed the value of the real estate of said Conspirator or Absentee; and in such case the agents or administrators on said estates may receive said debts, and shall, by order of the Judge of Probate, pay them to the creditors of said estates, and the receipts of said agents or administrators shall be valid in manner as aforesaid.

SECT. 9. *And be it further enacted*, That where any estates of the Conspirators or Absentees have been sold, and the monies paid into the treasury, the same shall be paid out of the treasury to the creditors of said estate, so far as is necessary to discharge their demands, if there is a sum sufficient therefor; and if not, then in proportion to their demands, having respect to mortgages and attachments, as aforesaid; and the Judges of Probate are hereby directed to give the creditors of said

said estates certificates as aforesaid : And His Excellency the Governor, with the advice of Council, is hereby requested to grant a warrant on the Treasurer in favour of said creditors, agreeable to said certificate, if the monies paid into the treasury are equal to all the demands against said estates. And in order that His Excellency in Council may be ascertained of this, the Judges of Probate are hereby directed to certify to the Governor the whole of the demands against said estates, before they give a certificate to the creditors ; and should it appear that said estates were insolvent, then His Excellency the Governor is impowered and requested to appoint meet persons to apportion the same so paid into the treasury (after deducting all necessary charges) among said creditors, agreeable to their demands, having respect to mortgages and attachments, as aforesaid.

The Governor with the advice of Council, requested to grant warrants on the treasury in favour of creditors to the estates of Absentees, where said estates have been sold and the money paid into the treasury.

SECT. 10. *And be it further enacted by the authority aforesaid,* That *Richard Cranch, Samuel Henshaw, and Samuel Barrett, Esquires,* be a Committee for the county of *Suffolk* : That *James Prescott, Joseph Hosmer, and Samuel Thatcher, Esquires,* be a Committee for the county of *Middlesex* : That *Capt. Samuel Ward, Col. Israel Hutchinson, and Dummer Jewett, Esquires,* be a Committee for the county of *Essex* : That *John Kirkland, Esquire, Mr. David Smead, and Capt. Benjamin Bonney,* be a Committee for the county of *Hampshire* : That *Mr. Nathan Mitchell, Mr. Joseph Smith, and Mr. Zebediah Sprout,* be a Committee for the county of *Plymouth* : That *Nathaniel Freeman, Joseph Otis, and Daniel Davis, Esquires,* be a Committee for the county of *Barnstable* : That *Mr. Israel Washburne, Samuel Tobey, Esq. and Mr. Isaac Hodges,* be a Committee for the county of *Bristol* : That *Mr. John Hill, Col. Edward Grow, and Col. Thomas Cutts,* be a Committee for the county of *York* : That *John Fessenden, Esq. Mr. Caleb Ammidon, and Jonathan Warner, Esq.* be a Committee for the county of *Worcester* : That *John Lewis, Esq. Solomon Lombard, Esq. and Mr. Samuel Small,* be a Committee for the county of *Cumberland* : That *Col. John Ashley, Col. Jonathan Smith, and Nathan Kingsley, Esq.* be a Committee for the county of *Berkshire*, to make sale of the real estates of said Conspirators and Absentees as aforesaid, in each of their counties, respectively, for the purposes herein provided. And the Judges of Probate of Wills, &c. are hereby directed to give a certificate, under hand and seal of office, to any creditors, of the sum due to him, as the same shall have been liquidated and allowed by the Commissioners of Claims, as aforesaid ; and said Committee, on being shewn said certificate by any creditor, shall immediately proceed to advertize and make sale of said estates in the same way as is prescribed by law for advertizing and making sale of the estates of intestates, in order to discharge their just debts.

The names of the Committees appointed in several counties in this Commonwealth to sell estates.

Provided

Proviso.

Provided nevertheless, That if the Committees suspect any undue measures are taking at any of said sales, in order to get any of said estates struck off under their real value, in all such cases the Committees are hereby directed to suspend the sale : And if they find it for the benefit of the creditors or government to sell said estates, or any part thereof, at private sale, they are hereby impowered to do it accordingly ; and the demands of any creditor, allowed as aforesaid, who may purchase any of said estates, shall be received in pay therefor, if said estates are sufficient to discharge all demands : And said Committee shall pay the creditors of the estates of the Conspirators and Absentees aforesaid, without delay, in the way and proportion herein before mentioned : And the said Committees, respectively, are hereby authorized and impowered to give good and sufficient deeds in fee to the purchasers, in the name of this Commonwealth.

SECT. 11. *And be it further enacted,* That every clause of this Act shall be considered to extend to the estates of such Conspirators and Absentees who have died while under the protection of the King of *Great-Britain*, his fleets or armies, as well as those Conspirators and Absentees who are now living.

SECT. 12. *And be it further enacted by the authority aforesaid,* That the said Committees be and they are hereby required to keep fair and accurate accounts of all their doings in the premises, and to make a return thereof, under oath, into the Secretary's office, there to be recorded.

SECT. 13. *Provided nevertheless, and be it further enacted,* That the powers given to the several Committees for the sale of Conspirators' and Absentees' estates, shall not extend to impower said Committees to make sale of any estates on which money has been advanced to the Commonwealth, agreeable to a resolve of the General Court, passed the nineteenth of *June* last, unless the persons who have advanced money, as aforesaid, shall consent to have such estates sold.

And whereas there are divers messuages, lands and tenements within this Commonwealth, which heretofore have been conveyed by mortgage to some of the said Conspirators or Absentees with condition of defeazance on payment of certain sums of money ; by means whereof the said Estates are liable by the said laws to be confiscated to the use of this Commonwealth :

SECT. 14. *Be it enacted by the authority aforesaid,* That such mortgagers, upon the payment to the Committee before appointed for the sale of the said estates in the county where such mortgaged premises lay, of all the monies due upon such mortgages, computing the same according to the rule of law for the redemption of mortgaged estates, shall be entitled to and receive a discharge and release of the said mortgage-deed from the said Committee, in the same manner as though the money

Committees
required to
keep a fair
record of their
doings, and to
make return
under oath.
Proviso.

Mortgagers,
upon payment,
are entitled to
receive a re-
lease from the
Committee.

money was paid to a mortgagee who is a good subject of this Commonwealth.

And whereas there are divers lots and tracts of land, lately belonging to some of the said Conspirators or Absentees, which have been and still are possessed by some of the good subjects of this Commonwealth, on condition of having a conveyance of the fee simple of such lands to them, upon their payment to the said owners of the said lands of certain sums of money :

SECT. 15. *Be it enacted by the authority aforesaid,* That the persons holding lands by condition as aforesaid, shall be entitled to a deed in fee simple, on paying the money, conditioned as aforesaid, to the said Committee ; and said Committee are hereby authorized and directed to execute such releases and deeds accordingly in the name of this Commonwealth.

[Passed March 2, 1781.]

Persons holding lands belonging to Absentees entitled to a deed in fee simple, on paying the money to the Committee.

C H A P. LXXVIII.

An ACT in Addition to an Act passed the last Session of the General Court, entitled, “An Act to provide for the Payment of the Debts due from the Conspirators and Absentees ; and for the Recovery of Debts due to them.”

WHEREAS the creditors to those estates of the Conspirators and Absentees on which money has been advanced to the Commonwealth, agreeable to a resolve of the General Court of the nineteenth of June last, will be kept out of the debts due to them, unless said estates are sold : And whereas many persons who advanced the money, as aforesaid, are willing to purchase the estates at private sale, and to give the full value thereof :

Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Committees, in said Act mentioned, be and they hereby are authorized and empowered to sell said estates at private sale, to the persons who advanced money thereon, as aforesaid, on application made by such persons to the said Committee for that purpose, and the money so advanced (after deducting the rent) shall go in part pay for the same.

Money advanced on Absentees' estates, to go in part pay.

SECT. 2. *Provided nevertheless, and be it further enacted,* That said Committees be and they are hereby empowered and directed to appoint three judicious disinterested persons to appraise, under oath, the estates so to be sold ; and if the persons who advanced the money, as aforesaid, are willing to take the estates at the appraisements, the said Committees are hereby authorized and empowered to give good and sufficient deeds in fee to the purchasers, in the name and behalf of this Commonwealth.

Provide.

monwealth. And said Committees shall pay the creditors, and the residue into the public treasury, in the way and manner prescribed in said Act ; and in case the persons aforesaid do not incline to take the said estates at the appraisement, they shall pay the charge of appraisement.

[Passed May 1, 1781.]

C H A P. LXXIX.

An ACT in Addition to an Act, entitled, " An Act to provide for the Payment of Debts due from the Conspirators and Absentees, and for the Recovery of Debts due to them."

Preamble.

WHEREAS many persons among our enemies may have notes, bonds, or other securities against the said Conspirators or Absentees, and may endeavour to send them to their friends or agents here, in order to receive pay from the proceeds of the estates of said Conspirators or Absentees ; and for the prevention thereof :

Commissioners appointed on Absentees' estates, directed to reject all notes, &c.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the Commissioners appointed by the Judges of Probate, in the several counties in this Commonwealth, to receive and examine the claims exhibited against any of said estates, be and they are hereby directed and required to reject all notes, bonds and other securities which were originally given in favour of any Conspirator or Absentee, or which have been assigned over to them ; unless it shall evidently appear that such notes, bonds or other securities were taken in the name of any Conspirator or Absentee, as guardian for a person or persons who have been, and, if living, still are good subjects of these United States.

Unless—

Persons swearing to their demands, on certificate given, to be allowed by the Commissioners.

SECT. 2. *And be it further enacted,* That when any person shall present his demands against any of said estates, before a Justice of the Peace, and shall swear to the same in manner and form prescribed in said Act, and a certificate thereof from the Justice being produced, the Commissioners of Claims shall allow it as though the person had sworn to the same before them ; any thing in said Act to the contrary notwithstanding.

And whereas many good subjects of these United States, who are in the army, or in Europe, may have demands against the estates of said Conspirators or Absentees, but, by reason of absence, cannot exhibit their claims to the Commissioners :

Judges of Probate to allow a further time for Creditors to prove their claims.

SECT. 3. *Be it enacted,* That the Judges of Probate, in the several counties in this Commonwealth, be and they are hereby directed to allow a further time of two months, for creditors to bring in and prove their claims ; and where Commis-

sioners

sioners are not appointed, the said Judges are hereby directed to appoint them, and to have them sworn to the faithful discharge of the trust reposed in them.

And in order that the creditors who have proved their claims may not be kept out of their money till all the claims are exhibited and proved :

SECT. 4. *Be it enacted*, That the Committees appointed to sell the estates of said Conspirators and Absentees, shall pay the creditors in manner mentioned in said Act : Provided said creditors will give bond, with sureties, to refund and pay back their ratable parts and proportions, in case said estate shall prove insolvent, in order that all the creditors may receive in proportion to their demands. And said Committees are hereby directed not to keep any money, arising from the sale of said estates, on hand, but immediately to pay the same into the treasury, except so much as shall be necessary to discharge the debts exhibited to them in manner prescribed in said Act. And the money so paid into the treasury, shall be appropriated solely for the purpose of paying the officers and soldiers of the *Massachusetts* line of the army, their depreciation notes, agreeable to a resolve of the third of *March* last, and their three months wages, agreeable to a resolve of the eighth of said *March*. And all creditors who shall exhibit and prove their claims after the money is paid into the treasury by said Committees, shall receive the same from the treasury, in the way and manner prescribed in said Act.

Committees appointed to sell Absentees estates to pay the creditors of said estates. Provided—Committees directed to pay the money arising from the sales of said estates into the treasury. How it is to be appropriated.

And whereas many creditors have recovered judgment, in due course of law, against the estates of said Conspirators and Absentees ; but, by the laws of the State, execution has been stayed :

SECT. 5. *Be it therefore enacted*, That the Commissioners of Claims, be and they are hereby directed to allow all debts recovered, as aforesaid, if, when such judgments are given by default, it shall be proved to the said Commissioners, that the sums so recovered were in fact due and owing from the said Absentees, and to liquidate the same according to their real value ; and to make return thereof to the Judge of Probate, as of other debts ; and the same shall be certified by the Judge, and allowed and paid as other debts. [Passed *May 15, 1781.*]

Commissioners of Claims directed to allow all debts recovered.

CHAP. LXXX.

An ACT to prolong the Time for Redemption of Estates mortgaged by Conspirators or Absentees before the Nineteenth Day of *April*, One thousand seven hundred and seventy-five.

WHEREAS divers persons, to whom the estates of Conspirators or Absentees were mortgaged before the nineteenth

Preamble

nineteenth of *April*, one thousand seven hundred and seventy-five, have since taken possession of said estates, by suing out their mortgages or otherwise; and the time limited by law for the redemption of such estates has elapsed, and the mortgagees stand seized in fee of such mortgaged estates, although, in many instances, the sums for which said estates were mortgaged, are far below their just value: by means whereof many individuals, creditors of said Absentees as well as the public, are deprived of such part of said estates as in justice belong to them, or enure to the Commonwealth after payment of the sums due on said mortgages:

Extending the time for redemption of Conspirators or Absentees estates to the 1st of *January*, 1783.

The creditors of said estates that have been mortgaged, empowered to redeem said estates, within the time limited, as the original mortgager would have had.

The Treasurer to have the same right in redeeming the estates of Absentees.

SECT. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That the time for redemption of the estates of persons commonly called Conspirators or Absentees, which have been taken possession of by any mortgagee since the nineteenth day of *April*, in the year of our Lord one thousand seven hundred and seventy-five, be and hereby is extended to the first day of *January*, one thousand seven hundred and eighty-three.

SECT. 2. *And be it also enacted by the authority aforesaid,* That the creditors of such Conspirators or Absentees, whose estates have been mortgaged and taken possession of, as aforesaid, shall have the same power and authority to redeem such estates, within the time limited as aforesaid, as the original mortgager would have had to have redeemed the same within three years, in case he had not withdrawn himself from this Government.

SECT. 3. *And be it further enacted by the authority aforesaid,* That the Treasurer (for the time being) of this Commonwealth, shall, in behalf thereof, have, in all respects, the same right, within the time limited as aforesaid, in redeeming the estates of Conspirators or Absentees, of which possession has been taken, as aforesaid, that mortgagers, or their heirs by law have heretofore had, for redeeming mortgaged estates; any law of this Commonwealth to the contrary notwithstanding.

Provido.

Provided nevertheless, That if it shall be made to appear that any of the estates of such Conspirators or Absentees, of which possession has been taken, and the time of redemption elapsed, have since, *bona fide*, been sold by the said mortgagee; in such case, the provision made by this Act for prolonging the term for the redemption of such mortgaged estates, shall not operate, but the creditors of such Conspirator or Absentee, whose estate has been sold as aforesaid, or the Treasurer of this Commonwealth, for the time being, are empowered to demand and recover, in any of the Courts of law within this Commonwealth proper to try the same, of the said mortgagee or mortgagees, such sum or sums as the said estate was sold for, more than is sufficient for the payment of the sum for which such estate was mortgaged,

SECT.

SECT. 4. *And be it further enacted,* That where any mortgagee has taken possession of the estate so mortgaged, by virtue of a former law of this State, and has made any improvements by adding new buildings, or otherways repaired the same; then, and in that case, the value of said improvements, properly adjusted, shall be allowed the mortgagee.

SECT. 5. *And be it further enacted,* That if any person or persons, creditors to said estate, appears to pay off and redeem the mortgage, or the Treasurer of this Commonwealth, within the limited time before mentioned, they shall not only pay the judgment of Court recovered on said mortgage, but also the interest from the time the mortgagee took possession, allowing the original mortgager the amount of the rent the estate is let for, or if the mortgagee improves the estate himself, he shall pay for the improvement thereof what any three judicious persons mutually chosen shall determine to be the value, provided the parties cannot mutually agree between themselves.

[Passed July 6, 1781.]

Where any mortgagee has taken possession of mortgaged estates, and made improvements, to be allowed.

Creditors to said estates to pay the judgments of Court recovered on said mortgage, as also the interest.

C H A P. LXXXI.

An ACT in Addition to an Act, entitled, “An Act to provide for the Payment of Debts due from the Conspirators and Absentees; and for the Recovery of Debts due to them.”

WHEREAS by said Act, the powers given to the Committees therein mentioned, do not extend to empower them to make sale of any estates on which money has been advanced to the Commonwealth, agreeable to a resolve of the General Court, passed the nineteenth of *June*, in the year of our Lord one thousand seven hundred and eighty, unless the persons who advanced money, as aforesaid, shall consent to have such estate sold, which prohibition operates greatly to the damage of the creditors to such estates: Therefore, to remedy the same,

Preamble.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That in all cases where the creditors to such estates shall exhibit to the said Committees certificates, agreeable to said Act, of debts due from the estate of any Conspirator or Absentee, leased as aforesaid, the said Committees are hereby empowered to cause such leased estates, within their respective counties, to be appraised by three disinterested, judicious freeholders under oath; and they are hereby directed to offer the said estates to the persons to whom they are leased, at the said appraisalment; and in case the lessee shall take the estate at the appraisalment,

Creditors to exhibit to Committees, certificates of debts due from Absentees' estates leased. Leased estate to be appraised.

In case.

praisement, the said Committees are respectively empowered, in behalf of this Commonwealth, to make and execute deeds sufficient to convey estates in fee simple to the said purchaser; the money advanced on any such estate, as aforesaid, to be in part pay for the same, agreeable to the lease, and the remainder to be disposed of, agreeable to said Act.

SECT. 2. *And be it further enacted by the authority aforesaid,* That in case any lessee or lessees, as aforesaid, shall refuse or neglect to purchase the estate leased to him or them, as aforesaid, at the said appraisement, for the space of thirty days after the Committee shall have notified him or them of the appraisement, the Committees are hereby empowered to sell the same to any other person, at public or private sale, as shall appear to them most advantageous to the creditors and the Commonwealth; and upon the payment of the sums due to the said lessees, or security given to their satisfaction, to make good and sufficient deeds, as aforesaid, to the purchasers, and dispose of the remainder of the proceeds of such sale according to said Act.

And whereas no direct provision is made by any Act or resolve of this Court, for making equitable distribution of the neat proceeds of the estates of Conspirators and Absentees among their creditors, by the Committees of Sales, in the several counties, in cases of insolvency :

SECT. 3. *Be it enacted by the authority aforesaid,* That in all cases where the neat proceeds of sale of the estate of any Conspirator or Absentee shall be found insufficient to discharge the whole of the debts due therefrom, the said Committees, in the several counties, be and they hereby are empowered and directed to make distribution of the sums by them received, as the neat proceeds of the said estates, among the several creditors thereto, in just and due proportion; taking bonds from the said creditors, respectively, in double the sum to them paid, with two sufficient sureties, conditioned to refund the ratable proportion of such creditor's demand upon the said estate, and the neat proceeds thereof, in case, after claims legally exhibited, supported and certified, shall render the said estate further insolvent. And the bonds, given as aforesaid, shall be lodged in the Probate office of the county where the estates of such Conspirators or Absentees shall be settled; any law or resolve to the contrary notwithstanding.

[Passed June 15, 1782.]

In case lessees neglect to purchase, Committees empowered to sell.

Distribution of neat proceeds of Absentees' estates.

C H A P. LXXXII.

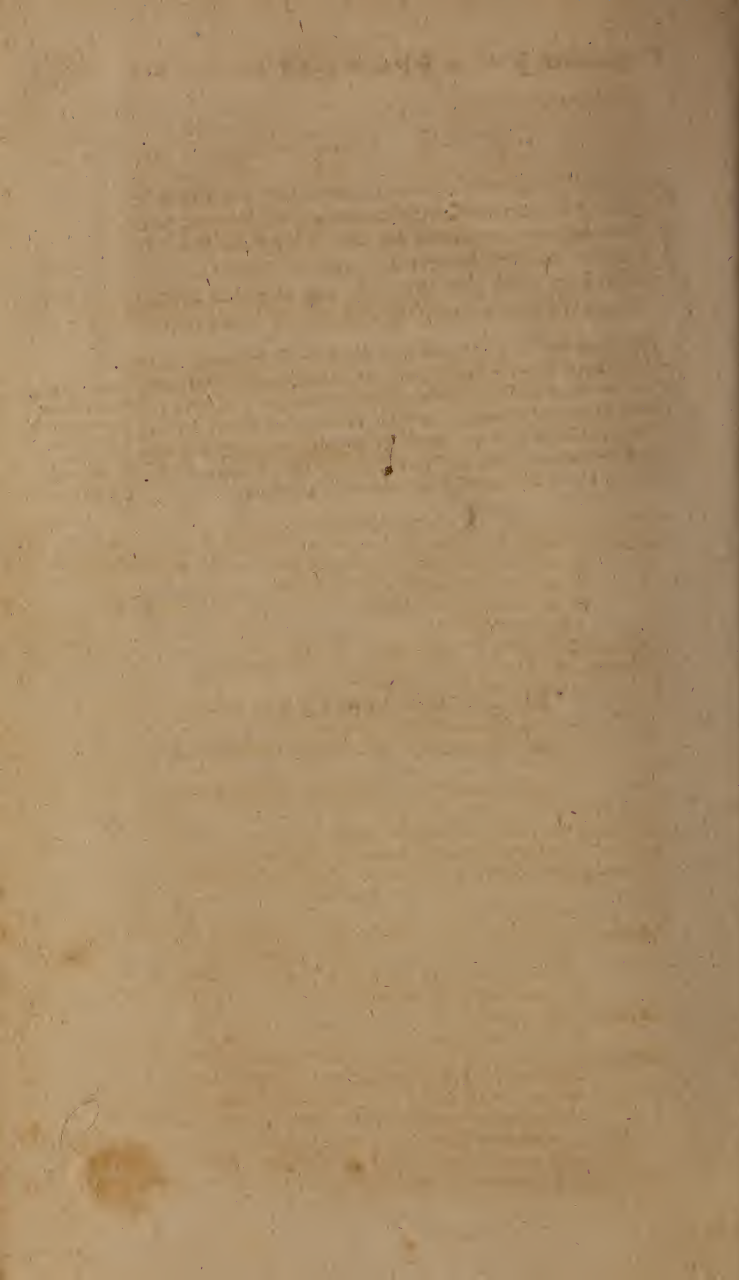
An ACT empowering the Committees for the Sale of the Estates of Conspirators and Absentees, and the Agents appointed by the Judges of Probate on such Estates, in certain Cases, to plead the general Issue, and give the Acts and Resolves of the General Court and any special Matter in Evidence.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That in all cases where actions shall be commenced against the Committees and agents, aforesaid, or either of them, by any private person or persons, the said Committees and agents may plead the general issue, and give the Acts and Resolves of the General Court and any special matter in evidence.

Where actions shall be commenced against Committees and agents ; to plead the general issue.

[Passed March 13, 1783.]

END OF THE APPENDIX.



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TO BOTH VOLUMES

OF THE LAWS OF MASSACHUSETTS ;

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